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China Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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15 September 1982

CHINA REPORT

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

No. 337

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INTERNATIONAL AFFAIRS

BRIEFS

JI PENGFEI MEETS PORTUGUESE DELEGATION--Beijing, 23 Aug (XINHUA)--State Councillor Ji Pengfei met here this afternoon with the Portuguese youth delegation led by Rui Garcia de Oliveira, standing committee member of the political bureau of the Portuguese Center Social Democratic Party and member of Parliament. They exchanged views on further strengthening friendly exchanges between the youth of China and Portugal. Attending the meeting were Zhu Shanqing, vice-president of the All-China Youth Federation, and Portuguese ambassador to China Antonio Leal da Costa Lobo. [Text] [OW240221 Beijing XINHUA in English 1637 GMT 23 Aug 82]

CSO: 4000/181

PARTY AND STATE

FIRST LECTURE ON UPCOMING 12TH CPC CONGRESS

OW241045 Beijing Domestic Service in Mandarin 2320 GMT 22 Aug 82

[Special article by (Zhu Yuanshi) to greet the 12th CPC Congress: "A Great Victory of the Ideological Line of Seeking Truth From Facts"--first of 12]

[Excerpts] It has been nearly 4 years since the 3d plenary session of the 11th CPC Central Committee. During this short 4-year period we have achieved a great historic change and steered the revolutionary ship of China to a correct course from an erroneous one and fulfilled the party's arduous task of replacing an erroneous ideological line with a correct line. This has brought about great achievements in various kinds of work on all fronts. It is the victory of the party's practical Marxist ideological line that has made this great historic change possible.

The victory won in October 1976 in cruising the Jiang Qing counterrevolutionary clique brought our country into a new historical era of development. With extremely great zeal the broad masses of cadres and people inside and outside the party threw themselves into the revolution and construction and earnestly demanded that the errors of the Great Cultural Revolution and the leftist guiding ideology be rectified. It was not easy to achieve this. The presentation of the principle of "two what-ers" seriously obstructed the task of eliminating chaos and restoring order on all fronts in accordance with the principle of seeking truth from facts. Although the party's 11th national congress pronounced the conclusion of the Cultural Revolution and played a positive role in exposing and criticizing Lin Biao and the gang of four and in mobilizing the whole party to build a socialist modern power, the congress, however, still approved the Cultural Revolution's erroneous theories, policies and slogans. That was why there was a 2-year wavering period following the crushing of the gang of four. Apparently whether or not our party could reinstate the practical Marxist ideological line became the fundamental issue concerning whether we could eliminate chaos and restore order and whether we could continue to advance forward.

Seeking truth from facts means proceeding from reality, integrating theory with practice, integrating the universal principles of Marxism-Leninism with the concrete practice of the Chinese revolution and applying Marxist dialectical and historical materialism to solve practical problems in the

Chinese revolution and construction. This is the Marxist world outlook and methodology as well as the basic starting point of Mao Zedong thought. This is the ideological basis on which our party formulates its correct lines, principles and policies. It is the only correct way of thinking and the only correct work method with which we carry out revolution and construction. After our nation was founded, we once took the tortuous course in socialist construction. One important reason was our failure to seek truth from facts, to proceed from reality and to combine theory with practice under the guidance of leftist ideology. That caused losses in our revolution and construction and finally led to so serious a mistake as the Cultural Revolution, which entailed the most serious frustrations and losses in our party, state and people after the founding of the nation.

Thus, the historic responsibility of thoroughly correcting the mistakes of the Great Cultural Revolution and the long-standing leftist guiding ideology fell on the 3d plenary session of the 11th CPC Central Committee. The great achievements of the 3d plenary session of the 11th CPC Central Committee lie in setting the ideological line of seeking truth from facts. It stressed that everything must proceed from reality, and that theory must be integrated with practice. It reinstated the true features of Marxism and approved the Marxist principle that practice is the criterion for examining truth. It also denounced the erroneous principle of "two whatevers" and stressed that the scientific system of Mao Zedong thought must be grasped completely and accurately. This has fundamentally corrected the leftist mistakes in the party's guiding ideology, enabled us to control the initiative to eliminate chaos and restore order, thus spurring on the smooth development in our country's socialist modernization and bringing about a vigorous and gratifying situation on all fronts throughout the country. Now let us review the great victories of the ideological line of seeking truth from facts by examining the actual changes that have happened in the political, economic and cultural spheres since the 3d plenary session of the 11th CPC Central Committee.

First, the political changes: Thanks to the ideological line of seeking truth from facts, a gratifying situation of stability and unity has appeared across the country. As everyone knows, one of the important reasons that caused the chaotic decade was the impractical and totally erroneous estimation of the class situation as well as the political situation of the party and state in those days, and the whole series of erroneous principles, policies and measures formulated on that basis. Owing to the confusion between foes and friends and between right and wrong, serious turmoils, ravages and retrogression were created. Under the call issued by the 3d plenary session of the 11th CPC Central Committee of emancipating minds and seeking truth from facts, the broad masses of cadres and people have been emancipated from the mental yoke of the personality cult and dogmatism which had once prevailed, and a lively situation of working hard to study the new situation and resolve new issues has appeared. The party also made a timely, objective and scientific analysis and estimation of our country's class situation and

political situation, rectified the previous abnormal situation of wilfully exaggerating--or even artificially creating--class struggle and struggle between the two lines, and decisively stopped the use of the slogan of taking class struggle as the key link. It stressed that the two types of contradictions must be strictly distinguished and correctly handled and it formulated the strategic policy decision on shifting the emphasis of work to socialist construction. On this basis, the party central committee also adopted a whole series of powerful measures to earnestly and thoroughly rectify the mistakes of the Great Cultural Revolution and its consequences. With extremely great determination and out of a high sense of responsibility to the people as well as in the spirit of seeking truth from facts, the party also implemented various policies and corrected a great number of frame-ups and fake and erroneous cases created during and before the Great Cultural Revolution, restored the honor of the framed party and state leaders and the leading figures of all nationalities and from all walks of life, and reaffirmed their contributions to the party and the people. This has greatly promoted the great ideological and political unity of the people of all nationalities throughout the country.

Second, let us deal with the economic changes. In economic work, by implementing the ideological line of seeking truth from facts, we corrected the leftist guiding ideology in economic construction, which was characterized by being overly anxious for quick results. At the same time, we set about solving the problem of the serious disproportions between various major economic sectors. In view of our country's conditions and proceeding from reality, we implemented the policy of readjustment, restructuring, reorganization and upgrading, with the stress on readjustment. In addition, we adopted practical measures calling for acting according to our capability, proceeding step by step and in an orderly way, paying attention to practical results and improving the people's livelihood by developing production.

In organizing socialist economic activities under the guidance of the principle of planned economy being the leading factor and regulation by the market being a supplementary one, democratic management has developed in production. The economic responsibility system in industry, including the system of personal responsibility, has also been instituted, developed and improved. The initiative of localities, enterprises, workers and staff members has been mobilized by adopting such measures as giving greater decisionmaking power to enterprises and instituting the reward system in enterprises and institutions. This has yielded remarkable results in enlivening the economy.

Agriculture is the most successful and gratifying sector of the economy. Agriculture has developed quite rapidly and on a rather large scale over the past few years. There are many reasons for this, but the main ones are: We have emancipated our minds and sought truth from facts; the party has firmly supported and led a great change taking place among the peasants; and we have instituted various forms of the production management and responsibility systems that are suited to our country's level of agricultural production.

We have also taken an analytical attitude toward capitalist countries. We should learn from and make use of such countries' experiences in enterprise management and their advanced science and technology. We should resist and criticize decadent capitalist ideas and the decadent capitalist way of life. With this realistic understanding based on facts and on the basis of independence and self-reliance, we have changed the past policy of closing the country to international intercourse and adopted the policy of opening to the outside world. Thus, we have absorbed some foreign capital useful to us and imported some advanced technologies suited to our country's conditions, thus further increasing our capacity for self-reliance. At the same time, our foreign trade has developed on a large scale.

In view of the above gratifying phenomena, it can be said with certainty that we will be able to open a new era of economic prosperity through 10 years' effort. Our country's total industrial and agricultural output value will greatly increase and our people will be comparatively well-off by the end of this century.

Third, let us deal with changes in science, education and culture. As a result of firmly implementing the ideological line of seeking truth from facts, intellectuals, whose status has been raised, are now respected as they should be. Under the supervision of the party central committee and the State Council, the policy toward intellectuals is being implemented effectively. Many outstanding intellectuals have joined the communist party. Such correct measures of the party have greatly aroused the initiative of large numbers of intellectuals in contributing to the drive for the four modernizations. They have thus made tremendous achievements in science, education and culture.

Remarkable developments have been made in education. Take this year's college graduates and college enrollment for example. Institutions of higher learning graduated more than 310,000 undergraduate and graduate students and enrolled 300,000 students this year. The number of students enrolled this year increased 12 percent over last year.

Under the guidance of the correct lines laid down since the 3d plenary session of the 11th CPC Central Committee and holding high the great banner of Marxism-Leninism-Mao Zedong thought, the great ship of socialist China is cleaving through the waves. Let us make persistent efforts, guard against arrogance and rashness, strengthen our revolutionary spirit and win ever greater victories by surmounting difficulties!

CSO: 4005/1262

PARTY AND STATE

THIRD ARTICLE GREETING 12TH CPC CONGRESS

OW271403 Beijing Domestic Service in Mandarin 2320 GMT 24 Aug 82

[Special article by (Wang Zhaohua) to greet the 12th CPC National Congress: "Redress Frame-ups and False and Wrong Cases, Consolidate Stability and Unity"--3d in a series of 12]

[Excerpts] Under the correct leadership of the party central committee and through the efforts of party organizations at various levels, order has been restored out of chaos, a large number of frame-ups and false and wrong cases have been reexamined and redressed and a large number of historical questions have been properly solved since the downfall of the gang of four, especially since the 3d plenary session of the 11th CPC Central Committee. This has produced far-reaching influence and given a tremendous stimulus to mobilizing positive factors in all quarters, consolidating the political situation of stability and unity and reviving and carrying forward the party's fine tradition of seeking truth from facts.

The resolution of the 6th plenary session of the 11th CPC Central Committee pointed out: The Cultural Revolution, initiated by a leader laboring under a misapprehension and capitalized on by counterrevolutionary cliques, led to domestic turmoil and brought catastrophe to the party, the state and the entire people.

In this domestic turmoil, the Lin Biao and Jian Qing counterrevolutionary cliques put forward the reactionary slogan: "Suspect all and overthrow all!" They waged a ruthless struggle against large numbers of cadres, especially proletarian revolutionaries of the older generation, dealing them merciless blows. With the portion of power they had usurped in the party and the government, they instigated and supported some hoodwinked people to catch what were called renegades, enemy agents and capitalist roaders everywhere. They used all means to obtain confessions by compulsion and gave them credence. As a result, large numbers of cadres and people, especially veteran cadres, were wronged. Many comrades were persecuted to death.

Such an unprecedentedly large number of frame-ups and false and wrong cases seriously damaged the ranks of party cadres and the party's cadre

policy as well as extremely serious damage to the party's prestige and its fine style of seeking truth from facts.

After the downfall of the gang of four, the 3d plenary session of the 11th CPC Central Committee, in the face of numerous frame-ups and false and wrong cases in the country, called on the whole to emancipate the mind and to bring order out of chaos. Resolutely overcoming the viewpoint of the "two whatevers" and factionalist interference, the party central committee took a series of effective measures to redress frame-ups and false and wrong cases in a planned and systematic way. Cases which had occurred during the Cultural Revolution were reexamined consecutively. After reexamination, all frame-ups and false and wrong cases were to be redressed according to the facts concerning such cases, no matter when and how they had occurred and no matter who had approved them. Through the persistent efforts of party organizations at various levels and hard work by hundreds of thousands of comrades charged with this task, tremendous achievements have been made in redressing frame-ups and false and wrong cases which occurred during the Cultural Revolution.

Now most frame-ups and false and wrong cases have been redressed, many comrades, who are able to work have resumed work, and fair appraisals have also been made of comrades who are dead. The problems of comrades who were implicated in such cases have also been properly solved. By now, the work of redressing frame-ups and false and wrong cases has nearly been completed in all localities. At the same time, a large number of historical questions and questions of merits and demerits, right and wrong, concerning some leaders have been realistically solved from the central down to the local level.

A very small number of elements who following the Lin Biao and Jiang Qing counterrevolutionary cliques in seriously violating the law and discipline and engaging in beating, smashing and looting have been dealt with severely. As for cadres who made mistakes during the Cultural Revolution, the party central committee, considering the special historical conditions at that time, has stressed helping them sum up their experiences and lessons, raise their political consciousness and correct their mistakes in accordance with the principle of treating them with leniency and putting them on probation. The party central committee has also educated all party comrades to take the situation as a whole into consideration, to look forward, not to get tangled in settling old scores and to devote their energies to the four modernizations.

Since the 3d plenary session of the 11th CPC Central Committee, our party, acting on the principle of correcting mistakes whenever discovered, has resolutely brought order out of chaos, vigorously redressed frame-ups and false and wrong cases, conscientiously implemented its cadre policy, firmly corrected mistakes in leadership work and determinedly overcome the evil consequences caused by the Lin Biao and Jiang Qing counterrevolutionary cliques. These facts have once again incontrovertibly proven

that our party has exposed its own mistakes on its own initiative and resolutely corrected them instead of turning a blind eye. This is not an indication of fear but an indication of strength.

The practice of redressing frame-ups and false and wrong cases shows that realistically correcting past mistakes and responsibly solving questions left over from history have not damaged the party's image or affected its prestige; on the contrary, this has greatly increased the party's prestige. Comrades of the whole party have also received a profound education from their painful experiences and lessons. Thus, they have increased their ability to tell right from wrong, not to commit leftist mistakes again and enhanced their consciousness in correctly implementing the party's policies. This is of extremely great significance for achieving unity in the party's thinking, strengthening the party's unity and increasing its fighting capability.

Now, the work of redressing frame-ups and false and wrong cases that occurred in the Cultural Revolution, of handling questions left over from history and of implementing the party's cadre policy have not yet been entirely completed. The whole party should make continuous efforts to fulfill these tasks well.

We must further eliminate the influence of erroneous leftist ideas, conscientiously overcome the slack mood and take effective measures to step up implementation of the party's cadres policy. We must carry out these major tasks thoroughly. We must greet the successful convening of the 12th National CPC Congress with actual deeds and contribute to making it possible for the whole party to concentrate its energy on the drive for the four modernizations.

CSO: 4005/1262

PARTY AND STATE

FOURTH ARTICLE GREETING 12TH CPC CONGRESS

OW201151 Beijing Domestic Service in Mandarin 2320 GMT 25 Aug 82

[Special article by (Liu Fuzhi) to greet the 12th CPC National Congress: "Bring Order Out of Chaos, Build Up the Socialist Legal System"--fourth in a series of 12]

[Excerpts] The 10 years of internal disorder of the Cultural Revolution caused the most serious setbacks and losses to our party, country and people since the founding of the people's republic. The public security and judicial departments are vital departments of the people's democratic dictatorship. They were one of the main targets of the Lin Biao and Jiang Qing counterrevolutionary cliques in their attempt to usurp party and state leadership; they suffered particularly grave damages.

Since the downfall of the gang of four, especially since the 3d plenary session of the 11th Party Central Committee, the party has summed up experiences and lessons and clearly set forth the historical task of developing socialist democracy and building up the socialist legal system. Under the guidance of the party's line, principles and policies formulated since the 3d plenary session of the 11th Party Central Committee, the public security and judicial front has done a great deal of work in bringing order out of chaos and achieved gratifying successes in building up the legal system.

1. The organizational structure of public security and judicial departments has been strengthened. First of all, through exposing and criticizing Lin Biao and the gang of four, we have uncovered and cleaned out their factional setup in the public security and judicial departments, consolidated the leading bodies at various levels and placed the public security and judicial power back in the hands of the people.

The party and state attach very great importance to public security and judicial work. Central leading comrades have repeatedly stressed that in the new historical period the people's democratic dictatorship must be strengthened and not weakened, and that the ranks of public security and judicial workers need to be strengthened and expanded.

In 1978, the Fifth National People's Congress decided to restore the people's procuratorates. Subsequently justice and vicial affairs departments were reestablished. Since the 3d plenary session of the 11th Party Central Committee, the ranks of public security and judicial workers have expanded by one-third. The Party Central Committee has set up a central public security and judicial committee [zhong yang zheng fa wei yuan hui 0022 1135 2398 3127 1201 0765 2585] with Comrade Peng Zhen as its secretary to strengthen party leadership over public security and judicial work.

2. We have accomplished the task of bringing order out of chaos in the basic guiding ideology for public security and judicial work and defined the tasks and functions of public security and judicial work in the new historical period.

Under the leadership of party committees and with the cooperation of fraternal departments, the public security and judicial departments have done a great deal of work; rehabilitated comrades who were persecuted and wronged; basically completed the task of redressing cases left over from the past in which people were framed up, falsely charged and wrongly sentenced; corrected the mistake of broadening the scope of struggle against rightists; and removed the designations of those landlords, rich peasants and rightists who had remolded themselves.

Since the 3d plenary session of the 11th Party Central Committee, along with the strategic shift of the emphasis of the work of the whole party, the public security and judicial front has also gradually shifted its work to serving the four modernizations. The recently held national judicial work conference further clarified that in the new historical period the basic task of public and security and judicial work is to more consciously and clearly serve socialist construction.

In serving the economic base, public security and judicial work has two functions, that is, to protect the people and to deal blows at the enemies. On the one hand, it is necessary to protect the people's democratic rights and uphold the socialist legal system. On the other hand, it is necessary to deal blows at the enemies and punish the criminals. The two functions are two-in-one and inseparable.

3. We have carried out vigorous legislative work, and the work in various fields is gradually taking the course of conforming to law. Since the 3d plenary session of the 11th Party Central Committee, the legislative organs have worked very hard to enact laws. In just 4 years, more than 30 laws and decrees have been enacted, including the "Criminal Law of the People's Republic of China," the "Criminal Procedure Law of the People's Republic of China," the "Economic Contract Law of the People's Republic of China," the "Civil Procedure Law of the People's Republic of China," and so forth.

Especially in May this year, the draft revised constitution of the People's Republic of China was published for discussion by the people of the whole country. We believe that after discussion and revision by the people of the whole country, a new constitution which is suited to the historical tasks in the new period, in keeping with China's conditions and relatively perfect will surely come into being. It certainly will have a profound influence on further improving the country's socialist legal system.

4. We have used the legal weapon to fight law violations and crimes and strengthen social order.

In 1980, under the direct leadership of the Party Central Committee, public security organs, procuratorial organs and courts closely cooperated and carried out according to law the historical trials of the 10 principal culprits of the Lin Biao and Jiang Qing counterrevolutionary cliques that had brought calamity to the country and the people. The trials were enthusiastically supported by the people throughout the country and received favorable comments from the world public. The trials also provided a large-scale, vivid and profound education on the legal system for the people throughout the country and greatly enhanced the authority of law.

In the past few years the public security and judicial departments have concentrated their main forces on strengthening social order. On the basis of the characteristics of the current state of social order, the Party Central Committee has formulated a series of correct principles and policies including the principles that under the leadership of party committees, the whole party should act to bring social order under comprehensive control; that crimes seriously endangering society such as murder, arson, robbery, rape, the discharging of explosives and so forth should be punished severely and promptly according to law; that young people who have committed minor criminal offenses should be helped, educated and reformed by giving full play to the role of society; that juvenile delinquents should be saved; and so forth.

Through the joint efforts of the whole party, the whole army, the people of the whole country and all public security and judicial personnel, social order, especially in cities, has gradually but obviously been improving. The crime rate has dropped, and a greater percentage of criminal cases are being broken.

5. We have inherited and carried forward the fine traditions of public security and judicial work of our country. In the course of our protracted revolutionary struggles, our public security and judicial work accumulated rich experiences, both positive and negative, and created many successful practices which were characteristic of our own conditions and proven effective. Among them the most fundamental are: Leadership by party committees; combining professional work with the mass line; conducting investigation and study; and seeking truth from facts. These are fine traditions of our country's public security and judicial work and constitute a valuable wealth of proletarian legal ideas.

These fine traditions, however, were wantonly destroyed during the Cultural Revolution, and right and wrong were confused. Since the 3d plenary session of the 11th Party Central Committee, through our efforts to bring order out of chaos, these fine traditions have been restored and developed in practice.

In the new historical period, we must uphold and promote the fine tradition of leadership by party committees. Only by relying on party leadership can we really develop socialist democracy and perfect the socialist legal system. Party leadership is mainly political and ideological leadership and leadership in principle and policy to insure and supervise the public security and judicial organs to act strictly according to law. In serious and difficult cases, the party committees still have to actually intervene and give guidance. Those who think that independent exercise of procuratorial and judicial powers by the procuratorial and judicial organs and leadership by party committees contradict one another, and that the law of the state and the party's principles and policies are opposed to one another, are very wrong.

CSO: 4005/1262

PARTY AND STATE

SIXTH ARTICLE GREETING 12TH CPC CONGRESS

OW010048 Beijing Domestic Service in Mandarin 2320 GMT 29 Aug 82

[Special article by (Li Qing) to greet the 12th National CPC Congress:
"The Consolidation and Development of the United Front in the New
Period"--6th in a series of 12]

[Excerpts] After the 3d plenary session of the 11th CPC National Congress, our country has entered into a new historical period in which socialist modernization is the central task. Our country's united front has also entered into a new historical development period. Like other fronts, a vigorous and gratifying situation has appeared on the united front which, over the past several years, has been gradually recovered, further consolidated and developed under the new historical situation, thanks to the restoration of order amid chaos and full implementation of the party's various policies.

In his opening speech at the 2d meeting of the 5th CPPCC National Committee in June of 1979, Comrade Deng Xiaoping profoundly set forth the fundamental changes that have taken place in the class situation and within the united front in our country, with the exception of Taiwan and some other areas. He pointed out: The means of production formerly owned by the capitalist class in our country were turned over to the state long ago and the payment of fixed interest also ended. The overwhelming majority of the capitalists who can work have transformed themselves into working people earning their own living in the socialist society. Chinese intellectuals, including the overwhelming majority of those elderly ones who experienced the old society, have become a sector of the working class. China's democratic parties have now become political allies of those socialist workers and patriots who support socialism and with whom they keep in touch. On the basis of having identical interests, China's 50 or so fraternal nationalities have developed into a new type of socialist national relationship marked by unity, fraternity, mutual assistance and cooperation. This is to say that workers, peasants, intellectuals and all patriots of all nationalities have now become masters of their country.

With such fundamental changes in our country's class situation and with the development of the situation at home and abroad, the National Conference

on United Front Work was held in August of 1979 under the direct leadership of the Party Central Committee. In view of the guidelines set by the 3d plenary session of the 11th National CPC Congress, the session discussed and defined the nature, tasks and fundamental policies of the united front work in the new period. The united front in the past was a political alliance which comprised the national bourgeoisie; now it has become a political alliance of all socialist workers, patriots who support socialism and patriots who support national reunification. The scope of this alliance is very broad: It comprises the socialist workers, socialist peasants, socialist intellectuals and all patriots; it comprises the broad masses of Taiwan compatriots, compatriots in Hong Kong and Macao and overseas Chinese; and it also comprises all those who ardently love their motherland. Therefore, we must unite those who support national reunification, including those who do not support socialism. During the new historical period, the fundamental task of united front work is to unite with all forces that can be united, bring every positive factor into play so that they will work hard together to build China into a modernized socialist power, accomplish the cause of national reunification with the return of Taiwan to the motherland, develop the international antihegemonist struggle and safeguard world peace.

Under the central authorities' correct leadership, a great deal of work has been done over the past 3 years in implementing the party's united front policies and in enlivening united front activities.

First, a great deal of painstaking and meticulous work has been done in implementing various united front policies, nationality policies and religious policies. A large number of frame-ups, fake and erroneous verdicts have been reinvestigated and redressed throughout the country; cases concerning those who were mislabelled as rightists have been corrected and proper arrangements have been made for their livelihood and work. On the other hand, various policies for the former industrialists and businessmen have been implemented and proper arrangements have also been made for the use of those who have business and administrative experience. Fruitful results have also been accomplished in implementing the policies for former Kuomintang personnel who revolted and crossed over.

Second, various people's political consultative conferences, various democratic parties and other people's organizations are playing a positive role in our country's political life in all respects as their work has resumed and they have become increasingly active.

Leaders of the central authorities have pointed out: Multiparty cooperation, under CPC leadership, is a special and fine feature of our country's political system. Long-standing coexistence and mutual supervision between the CPC and various democratic parties is a policy which will remain unchanged for a long time to come.

Third, a great deal of work has been carried out for the return of Taiwan to the motherland and for the accomplishment of the great cause of national reunification. The NPC Standing Committee's 1979 new year message to compatriots in Taiwan solemnly declared the policy of peaceful national reunification. It put forward such policies as respecting the status quo on Taiwan so as not to cause the people of Taiwan any loss, and as establishing commercial, transportation and postal services between the two sides. In his 9-point proposal on peaceful reunification of the motherland, issued on the eve of the 1981 national day, NPC Standing Committee chairman Ye Jianying urged the Taiwan authorities to accept the proposal that talks be held between the CPC and the KMT on a reciprocal basis so that the two parties would cooperate for the third time. On 24 July last, Comrade Liao Chengzhi also sent a letter to Mr Chiang Ching-kuo, earnestly admonishing him: "If you take part in peace talks to accomplish national reunification as required by time and historical tide, the two parties will be able to coexist for a long time to come, supervising each other while joining in the glorious cause of revitalizing China."

The reversion of Taiwan to the motherland is an inevitable trend in historical development. The various principles and policies on peaceful reunification of the motherland put forward by the CPC are fair and reasonable. National reunification is an undertaking that will have significant effects for centuries. It conforms to the people's aspirations and will benefit the whole nation. Over the past few years, various departments concerned have firmly implemented the policies for those who revolted and crossed over, who were formerly KMT military and political personnel, who have family members in Taiwan and who are compatriots from Taiwan. Patriots who have returned from Taiwan to settle in China have also been properly settled.

Compatriots in Taiwan, Hong Kong and Macao and overseas Chinese residing abroad are important members of the patriotic united front. In recent years, the patriots among them have had increasingly close contact with their motherland and have contributed positively to their motherland's construction and to the great cause of national reunification.

Fourth, a great deal of work has also been accomplished in promoting friendly exchanges and people-to-people diplomatic activities. Since the beginning of 1980, the CPPCC National Committee has on many occasions sent delegations to Yugoslavia, Romania, the United States and Japan on friendly visits.

Generally speaking, remarkable accomplishments have been achieved in our nation's united front work. This is the main trend in the development of the situation. However, many problems still exist. This lies mainly in the failure of a considerable number of comrades within the CPC, including some leading comrades, to understand the importance, extensive scope and protracted nature of the united front work in the new period. This shows that, to carry out united front work successfully, it is still a task that demands immediately attention to continue to eradicate the leftist influence.

We must clearly understand that, to accomplish the three major historical tasks--the four modernizations, national reunification and the international antihegemonist struggle--we must mobilize all forces to form the broadest alliance and organize the broadest united front on the basis of having a close alliance of workers, peasants and intellectuals. By no means should we think that we can accomplish the magnificent tasks before us by relying on our party's efforts alone. Such ideas as closed-doorism, acting as a lone wolf and doing everything single-handedly are wrong and must be avoided and combated.

The whole party must have a deep understanding that, for a very long historical period to come, the united front will continue to have great vitality. Until classes are eliminated, and while the communist party remains, it is necessary to uphold cooperation between party and nonparty people and uphold the party's united front.

In the present stage, the main objects of united front work are: the democratic parties, well-known personages without party affiliations, non-party intellectuals working as cadres, former Kuomintang military and government personnel who revolted and crossed over, former industrialists and businessmen, upper class personages of minority nationalities, patriotic religious leaders, family members, relatives and friends of people who have gone to Taiwan, friends in Hong Kong and Macao, returned overseas Chinese and Chinese nationals abroad. Their numbers are very large.

To do a good job in united front work in the new period, specifically we should pay attention to the following four major tasks:

1. The united front, propaganda and culture and education departments should make concerted efforts to integrate the principles of Marxism-Leninism-Mao Zedong thought with concrete practice in the new period and conduct reeducation on the theories and policies of the united front within the party. It is necessary to restudy the works of Comrades Mao Zedong, Zhou Enlai, Liu Shaoqi and others on the united front to draw new wisdom and strength from them.
2. It is necessary to let the democratic parties and mass organizations, such as the All-China Federation of Industry and Commerce, work freely and independently, giving full play to their initiative and creativeness.
3. It is necessary to see to it that the various united front policies are implemented.
4. It is necessary to take good care of nonparty personages. Representative nonparty personages, who have cooperated with our party for a long time, should retain their jobs as long as they are still living and in good health. For those who hold too many concurrent posts, a suitable solution should be found through consultation.

Under the leadership of the central committee and party committees at various levels, we believe that, in the new period, the united front surely will become further consolidated and developed and will make still larger contributions to the great cause of accomplishing the three great historical tasks.

CSO: 4005/1262

PARTY AND STATE

SEVENTH ARTICLE GREETING 12TH CPC CONGRESS

OW010629 Beijing Domestic Service in Mandarin 2320 GMT 30 Aug 82

[Special article by (Huang Zhu) to greet the 12th CPC National Congress: "New Development in Socialist Nationality Relations"---7th in a series of 12]

[Excerpts] Ours is a multinational country. The people of various nationalities have joined their efforts in opening up the territory of the motherland, upholding the magnificent culture of ancient times and establishing close ties in the political, economic and cultural fields.

Since the founding of the People's Republic of China, our party, guided by Marxism-Leninism and proceeding from China's actual conditions, has formulated and implemented a series of correct nationality policies; namely, the policies on national equality, national unity, regional national autonomy, and national development and prosperity.

After overall completion of socialist transformation, owing to leftist interference and in particular the serious disruption of the party's nationality policies and work toward nationalities by the Lin Biao and Jiang Qing counterrevolutionary cliques during the 10 years of internal disorder, mistakes were made in expanding the scope of class struggle, hurting many minority nationality cadres and masses in disrespect of the minority nationalities' right to autonomy. We must keep these lessons in mind.

Since the downfall of the gang of four, especially since the 3d plenary session of the 11th Party Central Committee, the Party Central Committee has paid serious attention to the nationality question, reaffirmed the party's nationality policies, convened a series of conferences on nationality affairs and issued a series of important directives on nationality questions.

In general, the overall principle of the party's nationality work is to firmly and steadfastly care for and help the minority nationalities develop in an all-round way politically, economically and culturally, enable them to advance continuously along the socialist road and achieve step by step real equality among all nationalities.

Since the 3d plenary session of the 11th Party Central Committee, the party has done much work in accordance with the party's general principle on nationality work and the Party Central Committee's series of directives on nationality work, mainly in the following areas:

1. Cases in which people have been framed, falsely accused or wrongly sentenced have been basically redressed. For example, major cases such as the case of the "Inner Mongolian People's Revolutionary Party" and so forth have been redressed, and the persons wronged have been rehabilitated.
2. The policy of regional national autonomy has been implemented step by step. Since the 3d plenary session of the 11th Party Central Committee, our party has vigorously upheld and implemented the policy of national equality, has opposed all words and actions undermining national equality and national unity and has done much work in consolidating and developing a new kind of socialist nationality relations.

The crux of regional national autonomy is to train a contingent of minority nationality cadres who can uphold the four fundamental principles, faithfully implement the party's principles and policies, forge close ties with the masses, possess scientific and cultural knowledge and are professionally competent. At present, the number of minority nationality cadres in the whole country has increased from 800,000 to 1 million. Through general elections, national minorities now generally hold responsible administrative positions in autonomous organs. Party committee secretaries of 16 autonomous prefectures, 50 autonomous counties and some counties and cities under the jurisdiction of autonomous regions are also of minority nationality. Thus, the party's policy on regional national autonomy has been further implemented.

3. The economy in minority nationality areas has been developed. Since the 3d plenary session of the 11th Party Central Committee, the party and the state have adopted many important policies and measures to help the minority nationality areas develop their economy and advance from poverty to prosperity.

In short, the policies and measures implemented since the 3d plenary session of the 11th Party Central Committee have motivated the minority nationality areas and people. For example, Xizang has achieved good harvests the past 2 years since the implementation of the central instructions. Last year, the per capita income of the Xizang Autonomous region was 200 yuan. Last year, Nei Monggol's grain, edible oil and beet output reached an all-time high, and the survival rate of young animals and the number of mature and marketable animals surpassed all past records. Diversified undertakings and household sideline occupations have also developed rapidly. The average income of the peasants and herdsmen in Nei Monggol could reach about 230 yuan in 1981. Minority nationality living standards in Ningxia, Guangxi, Yunnan and so forth have also been markedly improved.

4. Education, culture, public health and physical culture have developed in various minority nationality areas. Many minority nationality colleges and middle and primary schools have been restored and developed. To help minority nationalities raise their cultural and technical levels, seven institutions of higher education including Beijing University, Qinghua University, Beijing Normal University, and the Dalian Engineering College have opened special classes for minority students. At present, minority students enrolled in various institutions of higher learning total more than 42,900. Each year, some 50,000 minority students graduate from colleges and middle schools.

5. The party's policy on religious freedom has been implemented. This is an important aspect in the implementation of the party's nationality policies. The implementation of the party's policy on religion has enhanced national unity and promoted socialist construction in minority nationality areas.

"The unification of our country, the unity of our people and the unity of our various nationalities--these are the basic guarantees of the sure triumph of our cause." [Mao quote]

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PARTY AND STATE

IDEOLOGICAL, POLITICAL WORK IMPROVEMENT AMONG YOUTH STRESSED

Beijing BEIJING RIBAO in Chinese 17 Jun 82 pp 1, 4

[Article: "Further Improve Ideological and Political Work Among Young People"]

[Text] The 17th Congress of the Beijing Communist Youth League ended yesterday. The congress resoundingly issued a battle cry "be a courageous shock brigade to build a socialist modernized capital." We warmly congratulate the city's Communist Youth League members and the city's youth. We believe that after this congress of the city's Communist Youth League, the city's Communist Youth League organizations can surely rally youth around the party so that in the process of realizing the fighting mission pointed out by the party, young people will mature more acceptably.

Young people are our heirs. Taking youth work seriously is a party tradition. In the four modernizations young people should be the vanguard and the communist banner should be carried by young people to the end. This generation of young people has great prospects. But among young people there are still many problems ideologically which urgently demand that party organizations at all levels strengthen and improve ideological and political work among young people.

Ideological and political work is a science and must be done according to the rules of ideological and political work to be effective. Ideological and political work with youth should be suited to the characteristics of youth. Ideological and political work with present-day youth should be suited to the characteristics of present-day youth. If the characteristics are not stressed and the rules not followed ideological work cannot be done well. Some people may complain that young people are "backward" and that "neither persuasion or force" work on young people. Actually, some units have some successful experience and this experience makes us wonder: How can we further improve ideological and political work among young people?

Sixty-three years ago, the May 4 Movement, which was the ideological and organizational preparation for building the party, was made up mainly of young people. Since that time, the party and young people have been of one flesh and blood. Our party has accumulated a wealth of experience in doing ideological and political work among young people and has formed a correct guiding ideology. Party organizations at all levels should help youth work cadres learn this valuable treasure and learn how to use and develop the experience of the past under present circumstances to raise ideological and political work among young people to a new high.

Help Young People To Improve Understanding and Ability To Change the World

The fundamental aim of ideological and political work is to use revolutionary ideology and spirit, that is, using communist ideology and the basic theory of Marxism to educate the cadres and masses, to educate young people, to arouse and heighten people's revolutionary consciousness and through repeated practice to raise people's understanding and ability to transform the objective world.

This point is especially important in youth work. The fundamental weakness of young people is lack of knowledge. This is partly because they have not been in the world very long and lack life experience and social experience and partly because in the decade of chaos many young people lost the opportunity to study. Because of these weaknesses it is often easy for young people to make mistaken judgements on the basis of scanty knowledge or one-sided hearsay materials. But at the same time, one of the superior points of young people is the thirst for knowledge. Thus, study is a particularly prominent task for young people. We should fully cherish young people's enthusiasm for learning and satisfy this thirst for knowledge in all possible ways. If they know more, young people will cast aside ignorant prejudice and resist more easily the fallacies of the bourgeoisie and their corrupt life-style. What is particularly essential now is to help young people to learn modern and contemporary history and the history of social development. If young people understand the laws of social development they will acquire the ability to reorganize the prospects of social development and thus be better able to establish correct ideals and determine their own life aims.

Helping young people improve their ability to understand the world includes such things as improving their ability to observe, analyze and discriminate. Improving these abilities is inseparable from knowledge and even more so from a correct world view and ideological method. Resolving these questions is a need of young people and a question of great interest to young people. The great demand for well-written popular philosophy books proves this point. Making the best use of the situation and taking advantage of this opportunity to popularize basic knowledge of dialectical materialism among young people is an important mission in our ideological work among young people.

Organize and Guide Young People to Take the Lead in the Search for Truth

Everyone knows that the truths of Marxism can only be inculcated from without, but this inculcation should also be combined with the young people's own search for truth in order for it to be readily accepted by young people. Enthusiasm of young people's search for truth should be supported and guided but should not be restrained or set back. In the search for truth there may be some detours, but this is not important. Marxism is truth, the only truth which can guide the Chinese people to follow the socialist road to wealth and power, the truth which conforms interests of people, including young people, and it can be understood and mastered by young people in the final analysis. Since 1840 the Chinese have sought a truth which could save the country and the people and after about 80 years they found Marxism. Because they had tried everything else and none of it worked, the truth of Marxism was even clearer. In today's young people's search for truth we should consciously help them compare the strengths and weaknesses of different viewpoints and thus strengthen their faith in Marxism.

Guiding young people's own search for truth does not mean letting things drift along, but demands that we do ideological and political work more carefully and in greater depth. Young people can often ask questions for which our cadres do not have the ideological preparation, have not researched, do not understand and cannot supply answers. Only if we adopt the honest attitude of "knowing what we really understand and admitting what we do not know" and are not satisfied with not knowing but study and analyze the application of the Marxist viewpoint together with young people, then we will certainly win the confidence of young people and guide them to overcome the influence of the mistaken viewpoints of the bourgeoisie. Many units have adopted such activities as essays, speech competitions and social surveys as good ways to develop the spirit of initiative in young people's search for truth. We hope that these experiences will be further summarized and extended.

Organize Young People To Participate in Practical Activity of Building Material Civilization and Spiritual Civilization

Knowledge originates in practice. Education of communist ideology and morality cannot stop at hearing reports, reading relevant books and oral discussions. Only in the practice of working and struggling for the public good can young people be trained to be communists. On the one hand we should adopt a variety of methods to help young people understand the relationship between their labor and the interests of the nation and people, strengthen their feeling of pride in their occupation and establish socialist occupational morality. On the other hand we should continue to launch activity for the public good on a broad scale. We have already launched activity to study Lei Feng and set a new style, for the five stresses and four points of beauty, civil politeness month, young people's service corps, and voluntary tree planting with enormous and subtly influential success. We should not look down on "little things" and think that they are "just for form" and "just for fun." It is just through such specific activities that young people come to embody the strength of communist ideology and morality and use it to strengthen their own habits and feelings. Of course, the organizational and ideological level of these activities should be further improved so that young people will learn more from them.

There are still a great many other questions which must be noted in doing ideological and political work among young people. For example, the questions of looking after the personal interests of young people, organizing cultural entertainment and physical activity for young people, guiding love and marriage among young people, encouraging young people to advance, supporting and protecting the advanced elements among young people, etc. As ideological and political work among young people is done more in depth we hope everyone will more generously summarize their experience. The Communist Youth League is the central organization for the party to rally and educate young people. The education of young people is not only the business of the Communist Youth League but of the entire party. The whole party should be concerned about young people, love and protect young people, educate young people and strengthen the organization building and ideology building of the Communist Youth League so that our youth work will certainly be better and better. Youth of our capital with its glorious tradition in building socialist material culture and spiritual culture can certainly become the courageous shock brigade to make a new great contribution to the ancestral land.

PARTY AND STATE

REVISION OF PEOPLE'S CONGRESS SYSTEM SPOTLIGHTED

Beijing FAXUE YANJIU [LEGAL RESEARCH] in Chinese No 3, 1982 pp 9-14

[Article by Wang Shuwen [3769 0647 2429] and Zhou Yanrui [0719 1696 3843]:
"New Development of the People's Congress System"]

[Text] The "Draft of the Revised Constitution of the People's Republic of China," focus of world attention, is now before the whole nation for discussion. This is a big event in our political life. The draft provides in its preamble that the basic task of the Chinese people in the coming years is to concentrate their effort on socialist modernization. In order to ensure the realization of this great goal, we must build an advanced democratic socialist political system. Without advanced democracy in politics, failing to mobilize fully the socialist enthusiasm and creativity of hundreds and thousands of the people on the basis of such advanced democracy, and at the same time practice advanced centralism on that basis, it would be impossible for us to proceed triumphantly with our four modernizations. This being precisely the case, the resolution of the Sixth Plenary Session of the 11th Party Central Committee pointed out, according to our historical experience in building our political power and the needs of our socialist modernization, that "It is necessary to strengthen the building of our state organs at various levels on the basis of the principle of democratic centralism in order to make people's congresses and their standing organs at various levels authoritative organs of the people's power, and to realize the people's direct democracy gradually at the basic level of our state power and in their social life at the basic level, with special emphasis on an earnest development of the democratic management of enterprise business by toiling masses in various urban and rural enterprises." On the basis of this fundamental spirit of the "Resolution," the draft has put great emphasis on the strengthening and development of the people's congress system and has provided many new and important prescriptions.

I

The general principles chapter of the Draft of the Revised Constitution provides: "All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and the local people's congresses at various levels. It also provides: "The state institutions of the People's Republic of China

apply the principle of democratic centralism." These provisions indicate that in prescribing our political system, the draft upholds the people's congress system as our fundamental political system. At the same time, the draft also has strengthened and perfected the people's congress system and provided many important prescriptions; it is not only a major revision of the 1978 constitution but also a great improvement compared to the 1954 constitution; it embodies a new development of our people's congress system.

A country's political system, namely, its form of government, means the organizational form of its state power. A ruling class, in order to maintain its class rule, must have organs of state power in a relevant form. To any form of state, there must be a corresponding form of government; without organs of state power in a relevant form, the state cannot be adequately represented. The socialist political system, in essence, is in fundamental opposition to the political systems of all states of the exploitative classes. The political systems of all states of the exploitative classes make sure that state power is held in the hands of a minority of exploiters so that they can exercise dictatorship over the proletariat and the vast ranks of the toiling people. The political system of socialism makes sure that state power is held in the hands of the vast ranks of the people led by the working class so that they can exercise dictatorship over a handful of class enemies. In treating the question of the political system of socialism, Marxism-Leninism repeatedly stresses that we must pay attention to the following two aspects. First, after the proletariat has destroyed the old state apparatus, it must replace the old organizational form of state power with a brand new organizational form of state power. Second, in countries where the proletariat has seized political power, because national characteristics are different, there may be, under the rubric of adhering to the principle of democratic centralism, different political forms. After summarizing the experience of the Paris Commune, Marx pointed out that the proper political form of the state power of a proletarian country should be the organization of the Paris Commune. At the same time, he also discussed the fundamental principle carried out by the Paris Commune and pointed out: "The Paris Commune was composed of urban representatives elected during general elections in the various districts of Paris. These representatives were responsible to their electors and could be replaced at any time; among them most were of course workers or those publicly acknowledged to be representatives of the working class. A commune should not follow the parliamentary mode but should be a working organ simultaneously in charge of both administration and legislation."¹ After summarizing the proletarian revolutionary experience in Russia, Lenin pointed out that "the Soviets of worker and soldier representatives recreated the Paris Commune type of state."² The people's congress system is our fundamental political system; it suits the organizational form of state power under our people's democratic dictatorship.

The people's congress system was created by our people from their experience in the building of political regimes in the revolutionary bases under the leadership of the CPC led by Comrade Mao Zedong. After summarizing the long experience in building political regimes in our revolutionary bases, Comrade Mao Zedong pointed out: China today may adopt the system of a National People's Congress, provincial people's congresses, county people's congresses,

district people's congresses and all the way down to township people's congresses, and let these congresses at the various levels elect their respective governments." At the same time, he also pointed out that "only a government of democratic centralism can give full scope to the will of all the revolutionary people and most effectively oppose the enemies of the revolution."³

In the "Common Program," which served as a temporary constitution at the beginning of the founding of our state, it was already established that the people's congress system is the fundamental political system of our state. The 1954 constitution summed up the experience in the structuring of political power both in our revolutionary bases and since the founding of our state and thereby incorporated more systematic provisions on our people's congress system. This indicated that our people's congress system had entered into a new stage of development, and that served to play an important role in ensuring the smooth progress of our undertakings in socialist transformation and socialist construction. But, in subsequent practice, this fundamental political system, the people's congress system, failed to get sufficient attention; hence the superiority of the people's congress system was not fully demonstrated. Especially during the "Cultural Revolution," because of the evil doings of the Lin Biao and Jiang Qing counterrevolutionary cliques bringing calamities upon the state and the people, elections could not be held for a long time: Occasionally some elections of people's deputies were held but, they turned out often to be rather formalistic. People's congresses at various levels were not convened at the prescribed intervals, nor did they play their role as organs of state power as they should. All this resulted in great damage to our people's congress system. After the Third Plenary Session of the 11th Party Central Committee, our state, basing itself on the spirit of the directive of the plenary session on the strengthening of our socialist democracy and socialist legal system, adopted a series of important measures, energetically strengthened the work of the people's congresses at the county level and above. The people's congresses at the county level put into effect direct elections by the electors; under the unified leadership of the central authorities, this expanded the functions of the local organs of state power.

The Draft of the Revised Constitution has summed up our long experience in the structuring of state power, especially experience in the past few years; it has also summed up the lessons of the "Cultural Revolution." On the basis of the principle of democratic centralism, it has incorporated a series of important provisions; these provisions have greatly developed the people's congress system. Comrade Mao Zedong pointed out not long ago in his article "On Coalition Government" "The organization of state power under New Democracy should adopt democratic centralism, with people's congresses at various levels deciding on major principles of policy and electing their respective governments. It is both democratic and centralist; that is to say, it is centralism on the basis of democracy and democracy under centralist guidance."⁴ In Article 3, the draft singles out the principle of democratic centralism to be practiced by the organs of state in a special article, and provides an exposition of the principle of democratic centralism in the following three aspects: (1) The National People's Congress and the local people's congresses

at various levels are elected democratically, responsible to the people and subject to their supervision; (2) all organs of state administration and all judicial and procuratorial organs are originated by the organs of state power to which they are responsible and to whose supervision they are subject; (3) the division of functions and powers between the central and local state institutions shall conform to the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities. The above three aspects summarize the basic content of the principle of democratic centralism.

In its various concrete provisions on our people's congress system, the draft fully demonstrates the principle of democratic centralism. First, the draft provides that all citizens who have reached the age of 18, with the exception of persons deprived of political rights by law, have the right to vote and stand for election. According to statistics of the 1981 general election, electors made up more than 99.9 percent of the total number of citizens 18 and older. People's congresses elected on the basis of such broad democracy can truly exercise state power in behalf of the people. The draft also provides that deputies to the National People's Congress and to local people's congresses at various levels are all subject to supervision by electors of their respective original electoral units; the original electoral units and electors have the right to replace at any time the deputies they have elected according to legally prescribed procedures in order to ensure that the deputies can abide by the Constitution and the law in an exemplary manner and run things in behalf of the interests and will of the vast ranks of the people. These provisions indicate fully that our people's congresses at various levels are highly democratic people's representative organs. Next, the draft provides that the National People's Congress is the highest organ of state power; the Standing Committee of the National People's Congress is its standing organ: they exercise the state's legislative power, discuss and decide on major questions of a national nature. Local people's congresses at various levels are local organs of state power; the standing committees of people's congresses are their standing organs; they have the right to decide on major questions of their respective administrative areas. The administrative organs, people's courts, people's procuratorates of the state at various levels are all originated by people's congresses at various levels, subject to their supervision, and responsible to them. All this indicates that the people's congresses are the organs that really exercise the power of the state; the people, through this people's congress system, exercise this power of the state in a centralized and unified manner and thereby practice advanced centralism on the basis of advanced democracy. Finally, the draft provides that under the centralized and unified leadership of the central authorities the functions and powers of local organs of state shall be expanded so as to benefit the demonstration of both central and local enthusiasm. Hence, the draft's various provisions on the people's congress system are beneficial to our correctly combining advanced democracy with advanced centralism.

For the sake of strengthening and developing the people's congress system, the Draft of the Revised Constitution puts great emphasis on the building of the highest organs of state power as well as local organs of state power at various levels, and it also expands the functions and powers of the local organs of state power. These measures are respectively discussed below.

II

The Draft of the Revised Constitution puts great emphasis on the building of the central organs of state. The draft first of all strengthens the building of the National People's Congress and its Standing Committee. It also provides for the restoration of the state chairman; it stipulates that the State Council will implement the responsibility system of the premier with the number of vice premiers prescribed at two to four and state councilors will be appointed. The state establishes a Central Military Commission; etc. These new, important provisions embody important reforms and a new development of our state system. They are of great significance to the strengthening of the building of our central organs of state on the basis of the principle of democratic centralism and to the perfecting of our people's congress system. The draft's new provisions on the strengthening of the National People's Congress and its standing organ are seen in the following aspects:

First, the building of the National People's Congress is strengthened. The NPC is the highest organ of our state power. The draft pays great attention to the strengthening of the building of the NPC, as can be seen mainly in the following new provisions: (1) It is provided that the NPC has the power to amend the Constitution, to make and amend basic laws concerning criminal offenses, civil affairs, the structure of the state and other matters; these mainly include criminal law, the law of criminal procedure, civil law, the law of civil procedure, the organic law of the NPC, the organic law of the State Council, the organic laws of local people's congresses and local governments at various levels, the organic law of the people's courts, the organic law of the people's procuratorates, electoral law and the law on regional autonomy for the nationalities, etc. (2) It provides that the NPC also has the power to formulate edicts, that is, decisions and resolutions apart from the law; this is necessary in respect to the strengthening of the solemnity of such decisions and resolutions passed by the NPC. (3) It revives the provision of the 1954 constitution that "Amendments to the Constitution require a two-thirds majority vote of all the deputies to the National People's Congress. Laws and other bills require a majority vote of all the deputies to the National People's Congress." It also adds the provision that amendments to the Constitution should be proposed by the Standing Committee of the NPC or by more than one-fifth of the deputies to the NPC. This is very important to maintaining the status of the Constitution as our fundamental law and to the strengthening of our socialist legal system. (4) In respect to the term of office of the NPC, the draft revives the provision of the 1954 constitution that 2 months before the term of office of the NPC expires, its Standing Committee must carry to completion the election of deputies to the next NPC; it also changes the imprecise provision of the 1978 constitution that the term of office of the NPC may be extended or shortened and provides, instead, that "should exceptional circumstances prevent such an election, the term of office of the sitting National People's Congress may be prolonged until the first session of the succeeding National People's Congress; such prolongation must be approved by a majority vote of more than two-thirds of all the members of its Standing Committee." This is to say that only under strict conditions can its term of office be prolonged.

Second, the functions and powers of the Standing Committee of the NPC are expanded, and its organization is strengthened. Because the deputies to the NPC are rather numerous, and an individual NPC session is rather short, it is not very convenient for them to carry out their regular work and exercise their functions and powers; they can only concentrate their energy on solving problems of the state of a fundamental nature. Hence, it is utterly necessary to strengthen the work of the NPC Standing Committee. The draft expands the functions and powers of the NPC Standing Committee, especially its legislative power, by turning over part of the original functions and powers of the NPC as a whole to the NPC Standing Committee. These newly added functions and powers mainly include: first, an expansion of the legislative power of the NPC Standing Committee, so that, except the laws mentioned above that should be made and amended by the NPC as a whole, it can also enact and amend other laws, and, when the NPC is not in session, it has the power to partially amend and supplement the basic laws enacted by the NPC. This expansion of the legislative power of the NPC Standing Committee is required by our work to strengthen our socialist legal system. Second, the power to supervise the implementation of the Constitution is conferred. Both the 1954 constitution and the 1978 constitution conferred this power on the NPC; but practice has proved that because an individual NPC session is rather short, it can hardly supervise the implementation of the Constitution. Therefore, the draft changes the provision to turn over the power to supervise the implementation of the Constitution to the NPC Standing Committee; this facilitates the reinforcement of such supervision over the implementation of the Constitution. Furthermore, the NPC Standing Committee has power when the NPC is not in session to examine and approve partial adjustments that are deemed necessary to plans of national economic and social development and to the state budget in the course of their implementation, to decide on the appointment and removal of ministers, chairmen of commissions, the chief auditor and the secretary-general of the State Council upon the recommendation of the premier, etc. Besides, the draft also provides that, when the NPC Standing Committee is in session, it has the right to put forward bills of inquiry, according to procedures prescribed by law, to the State Council, the Supreme People's Court, the Supreme People's Procuratorate and the ministries and commissions under the State Council, which are all under obligation to answer. This is beneficial to strengthening its exercise of regular supervision over other state organs and is of great significance to the perfecting of the people's congress system.

In order to ensure that the NPC Standing Committee can better exercise its functions and powers, the draft has incorporated certain new, important provisions in respect to its organization. These provisions mainly include: Members of the NPC Standing Committee shall not hold posts in organs of state administration and the judicial and procuratorial organs, so that the NPC Standing Committee can concentrate its energy and time on exercising its own functions and powers; the chairman, vice-chairman and secretary-general are the participants in the chairmanship conference to attend to the important routine work of the NPC Standing Committee; the chairman or a vice-chairman of the Standing Committee of the People's Congress of each province, autonomous region and municipality directly under the central government attends the sessions of the NPC Standing Committee in order to strengthen the liaison

between the NPC Standing Committee and local masses and make decisions of the former more attuned to the actual situations and needs of the national realm. All these provisions are of importance to the strengthening of the organization and work of the NPC Standing Committee. Because the NPC Standing Committee includes representatives of various circles, and their number is rather appropriate, it is more convenient for them to hold regular meetings; in addition, the draft has incorporated a series of provisions to strengthen its organization. Hence, it is entirely capable of exercising the various functions and powers conferred upon it by the Constitution, including the legislative power of the state.

Third, certain special committees are added. The draft clearly provides the establishment of a nationalities committee, a law committee, a financial and economic affairs committee, and education and science committee, a foreign affairs committee and other necessary special committees. The addition of these necessary special committees is beneficial to the strengthening of the work of the NPC and the NPC Standing Committee. These special committees operate under the direction of the NPC and the NPC Standing Committee; their main tasks are to investigate and study, solicit views, examine, discuss and draw up relevant bills; they are operational organs required by the NPC and the NPC Standing Committee. In the meantime, the draft has also revived the provision of the 1954 constitution on the appointment of commissions of inquiry for the investigation of specific questions. Thus, this task of strengthening the work of the special committees is an indispensable link in the strengthening of the building of the NPC and the NPC Standing Committee.

Fourth, provisions on the rights and duties of deputies to the NPC are strengthened. In respect to the rights of deputies, the draft provides that deputies to the NPC have the right to submit legislative bills. The purpose of incorporating such a provision is to protect the deputies' right to submit legislative bills and also to make an appropriate distinction between legislative bills and common opinions and suggestions. In the case of common opinions and suggestions, there is no need for the NPC to take the responsibility of reporting on the results of handling them; this serves to reduce the NPC's unnecessary, trivial tasks and thereby strengthen its legislative work. The draft also has restored the provision of the 1954 constitution on the NPC deputies' right to exemption; that is, no deputy to the NPC may be arrested or placed on trial without the consent of the presidium of the current session of the NPC or if it is not in session, the consent of the Standing Committee of the NPC; this assures the deputies normal engagement in their work. The draft has also added the provision that deputies to the NPC shall not be subjected to legal investigation for speeches or votes at its meetings; this also constitutes a strong guarantee that the deputies can better exercise their functions and powers. Meanwhile, the draft adds certain provision on the deputies' duties: deputies of the NPC should maintain close contact with the units which elect them and with the people, listen to and report the opinions and demands of the people and, in their own production and other work and public activities, assist in the enforcement of the Constitution and the law. These provisions help the deputies better accomplish the functions and responsibilities the people confer upon them and also help strengthen the work of the NPC.

III

While strengthening the building of the central organs of state, the draft of the revised constitution at the same time follows the provision in the general principles section that "The division of functions and powers between the central and local state institutions shall conform to the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities" and appropriately expands the functions and powers of the local state institutions as well as strengthens the building of local state institutions. This is of great significance to give full play to local enthusiasm, to discuss in time and solve flexibly, local problems according to local conditions, and to promote our four modernizations. New, important provisions in the draft in this regard may be summarized in the following aspects:

First, functions and powers of local state organs at the provincial level are expanded. The draft provides that the people's congresses of provinces, autonomous regions, and municipalities directly under the central government and their standing committees may formulate and promulgate local statutes on condition that these do not contravene the constitution, laws decrees and general administrative statutes, and they shall report them to the Standing Committee of the NPC for record. This expansion of the functions and powers of state organs of the provinces, autonomous regions, and municipalities directly under the central government is very important to mobilizing local enthusiasm.

Second, the autonomy of nationality autonomous organs and local autonomous organs is expanded. The draft provides that the chairmen of autonomous regions, heads of autonomous prefectures and heads of autonomous counties shall be persons of the nationality or nationalities exercising regional autonomy in those areas; under the guidance of the state plans, autonomous organs independently administer local economic construction and education, science, culture, public health, and physical culture; in developing natural resources and building enterprises in the national autonomous areas, the state should give due consideration to the interests of those autonomous areas. These provisions help strengthen the autonomous rights of the minority nationalities and the common unity of all the country's nationalities, so that they can exert their common efforts for the triumphant construction of our socialist modernization.

Third, local people's congresses at the county levels and above all establish standing committees. According to the provisions of the 1954 constitution, local people's councils at various levels were the executive organs of local people's congresses at their corresponding levels and at the same time exercised the functions and powers of the standing committees of those people's congresses; also, because these people's congresses lacked standing organs, this resulted in local organs of state administration escaping the regular supervision of local organs of state power. The draft provides that local people's congresses at the county level and above shall establish their respective standing committees; it also incorporates clear provisions on the

organization and functions and powers of those standing committees of people's congresses. The functions and powers of the standing committees of people's congresses include: conducting the election of deputies to people's congresses at corresponding levels, and in the case of standing committees of people's congresses in municipalities and counties with the establishment of districts below, also the conducting of the election of deputies to people's congresses at the lower level; discussing and deciding on major issues concerning the different kinds of work in their respective administrative areas; supervising the work of people's governments, people's courts, and people's procuratorates at the corresponding levels; annulling inappropriate decisions and orders of people's governments at the corresponding levels and of people's governments at the next lower levels; annulling inappropriate decisions of people's congresses at the next lower level; deciding on the appointment and removal of the state personnel within the limits of their authority as prescribed by law; and, when the people's congresses at the corresponding levels are not in session, holding by-elections for deputies to the people's congresses at the next higher levels and recalling individual deputies to the people's congresses at the next higher levels.

Fourth, deputies to people's congresses at the county level are directly elected by the electors. The practice of direct election at the county level helps county-level organs of state power to accept direct supervision by the masses, brings their relationship with the masses closer, improves their work efficiency, so as to enable them to organize the people of their respective counties to do a good job in the construction of the four modernizations. The practice of direct elections at the county level also lays a good foundation for the election of the NPC and provincial people's congresses. Hence, direct election is very important to giving scope to socialist democracy and assuring that the people become the masters of their own house.

Fifth, township administration and commune management are separated. The draft revives the establishment of the township level of state power, with the people's commune left only as a simple collective economic organization. After this separation of township administration and commune management, the township no longer directly manages production; it can therefore concentrate its energy on improving and strengthening the building of the township level of state power, on bringing its relationship with the masses closer, on doing a good job in managing the economy and culture and such administrative work as civic administration, public security, and birth control, and thereby assure the implementation of the policies of the party and the laws of the state. At the same time, this also helps the people's commune change its approach of managing the economy by administrative means in the past and begin to pay attention to managing the economy by economic levers, economic laws, and according to objective laws of the economy; it likewise helps to assure the enforcement of the provisions of the draft on the expansion of the autonomy of economic organizations and on members exercising democratic management of people's communes. Therefore, the separation of township administration and commune management is very beneficial whether in respect to strengthening basic-level state power in the countryside or regarding the perfecting of our economic organizations in the countryside and promoting the development of our socialist economy in the countryside. Of course, this is

a great matter concerning hundreds and thousands of peasants; it must be carried out with leadership and in a planned way.

Sixth, neighborhood committees and village committees are established. The draft provides that neighborhood committees and village committees are established in urban and rural residential districts as mass organizations of self-government at the primary level, and under them are established committees for people's mediation, security and defense, public health and sanitation, etc. Urban neighborhood committees and people's mediation committees have been important organizational forms in our endeavor to organize the vast ranks of the people to manage the affairs of the state and society; under the direction of basic-level people's governments, they had played an important role in running well the public affairs and public welfare properties and enterprises in their respective residential areas, in mediating civic disputes, in enhancing the people's unity and in helping to maintain social order and security. These have provided good organizational forms for the strengthening of our basic-level state power and the gradual realization of the people's direct democracy.

To sum up the above, the draft of the revised constitution, under the guidance of the resolution of the Sixth Plenary Session of the 11th Party Central Committee and according to the principle of democratic centralism, has incorporated many new, important provisions on the strengthening of the building of our state organs at various levels. These provisions demonstrate important reforms of our state system and indicate a new development of our people's congress system; they are of great significance to giving full play to the role of people's congresses at various levels and their standing committees, to gradually building our socialist political system of advanced democracy, and to protecting and promoting the triumphant progress of the construction of our socialist modernization.

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CSO: 4005/1074

PARTY AND STATE

BANNER OF COMMUNISM MUST NEVER BE FURLED

Beijing RENMIN RIBAO in Chinese 5 Jul 82 p 8

[Article by Shu Ping [5289 1627]]

[Text] Communism is not a banner made of ordinary cloth. Cloth banners are folded or furled from time to time, but communism is the banner in the hearts of our party members and must never be furled at any time.

On this banner appear the words "workers of all nations, unite!," reverberates the sound that "the Internationale will come true," permeates the blood of innumerable pioneers....

Nevertheless, there are those today who feel that, since this banner "can neither serve as food, nor as clothes, why should it be treated so earnestly?" It naturally reminds one of (Molaixiaote) and others, the group of German mediocrities more than a century ago. They called all glorious faiths of mankind "idealism," as if only the frustrated life of eating, drinking and making merry were most "materialist."

There are also some who feel that, since we are not promoting communism today anyway, we might as well roll up this banner for the time being. That our Communist Party members are different from any other political parties is because we have always in our hearts this bright and clear banner. In the democratic revolution and the socialist reform of the fifties, it was by relying on it that we advanced step by step and won great victories. Today, when we pursue the four modernizations, "opening up" to the outside and "enlivening the economy" at home, whoever becoming blurred in his conviction and rolling up the banner will be engulfed by "the other side." Marxism gives attention to historical conditions. We understand clearly that we must never transcend the historical conditions and introduce the communist programs and policies to today's reality. However, we must realize even more clearly that all our past and present endeavors are steps taken by us toward communism. Communism, this conviction, this banner, is the lighthouse on the ocean and the road sign before the vehicle.

Historical experiences tell us that the blurring of conviction and the furling of the banner easily occur under two situations. One is when we take a tumble. There is a valley between two mountains, and conviction is like the morning sun. Standing on the peak of a high mountain, one can see it easily, but when one takes a tumble and falls down to the bottom of the valley, one will not see it by direct perception alone. One must have scientific insight before one can see the morning sun in one's heart. The second situation occurs when dealing with the bourgeoisie and capitalism. The gusts of fragrant wind, the successive sugarcoated bullets and the dazzling world of myriad temptations are intoxicating. Those who are not firm to start with will abandon their convictions, roll up the banner and tumble to the other side. Only the steadfast communists will be like the lotus, emerging out of the mud uncontaminated and manifesting its purity. Today, after bringing order out of chaos, when we pursue the four modernizations with one heart and one mind and are on the verge of doing business with capitalist countries, how could we forget the banner in our hearts?!

Giant waves wash the sand. The communists want to create civilization and happiness for all mankind. The burden is heavy and the road long. We must not be washed away by the stormy waves. The conviction in our minds must never become blurred even for one moment; the banner in our hearts must never be furled. In the roaring historical current, we will always stand on the crest of the waves and remain indomitable!

6080

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PARTY AND STATE

BEWARE OF BOURGEOIS SUGARCOATED BULLETS

Beijing RENMIN RIBAO in Chinese 6 Jul 82 p 8

[Article by Xin Ren [2946 0088]: "The Sugarcoated Bullet and Its Various Tactics"]

[Text] To remain invincible in the "special warfare" between corruption and anti-corruption, we must "know the enemy and ourselves" as expounded in Sunzi's "Art of War."

The "enemy" is attacking, and its main weapon is the sugarcoated bullet.

Some people feel that the battlefield of this war of sugarcoated bullets is indistinct, complicated and confusing, and therefore impossible to defend.

Actually it is not exactly so. Indeed there are the various phenomena mentioned above, reflecting the many complexities in the struggle under the current conditions. However, it is merely the image in the eyes of the ignorant. One only has to explore a little to recognize clearly the sugarcoated bullet and its various tactics. With knowledge and preparation, one will no longer find it impossible to defend. Furthermore, the sugarcoated bullet has the characteristic of "the God of Thunder striking the beancurd" [picking on the soft and weak]. Precisely as Comrade Mao Zedong pointed out long ago, it can only strike the weak-minded in our ranks, but is ineffective against the strong-willed revolutionaries. Why are there some who can "resist corruption, never becoming contaminated?" Mainly because they have a strong will and always maintain the noble sentiments of a revolutionary. Why are there others who are knocked down? Primarily because they have dismantled their mental defense line. Therefore, as long as one has confidence and determination, a firm standpoint and a strong will, the sugarcoated bullet is not terrifying.

Nevertheless, a strong will requires a sober mind. The Party Central Committee's appeal for us to be firm, sober and positive Marxists includes a clear recognition of the sugarcoated bullet.

Sugarcoated bullets generally consist of two large categories, and each has many varieties. One category is spiritual, viz., the decadent bourgeois ideas and viewpoints and life styles, and the culture and art advocating and spreading them. It is used to corrupt the mind, soften the willpower, open cracks and infiltrate the defense. The other category is material, from elegant jewelry to all kinds of modern articles, from money to beautiful women, from material objects to bad checks, multifarious and variegated, which can all serve as bribes and inducements to recruit deserters and traitors. The "enemy" often resorts to both, applying them alternately, i.e., softening before attacking and baiting before fettering, and winning easy victories. On the other hand, if the first category is not used, the second often has no crack to enter (except the weak-minded); if the first category is not followed with the second, practical results are hard to obtain. The "defense" is somewhat different. As long as one can defend against the first category, it becomes fairly easy to withstand the second category. If one is softened by the first category, one will lose the capacity to withstand the second. In addition, highly penetrating and permeating, exerting a subtle influence, the spiritual sugarcoated bullet is comparatively more difficult to resist. Therefore, a greater effort is needed to combat it.

The basic tactic of the sugarcoated bullet war is nothing more than watching for opportunities and searching for loopholes, selecting the weak to attack, pleasing each according to his preferences and resorting to different means according to the circumstances. As stated in the proverbs, "the fly stings the cracked egg;" "it lays maggots at the crack." In case of someone greedy for private gain, for instance, the enemy will use "money as the horse and wine as the weapon," driving straight in; in case of someone who wishes to "eat the sugarcoat and spit out the bullet," he will ask him to swallow it first and see what happens later; in case of someone who vocally supports the public while secretly making personal gains, he will help him use the public for the private, convert the public into the private, and conceal the private with the public; in case of someone who likes to make connections and cater to human sympathy, he will recruit contacts and launch attacks through the channels of connections. If one enjoys flattery, he will praise one profusely, and when one is flattered into the clouds, he will respectfully request the chief to sign; if one is blindly enthusiastic and follows the vogue, he will, according to the principle that "there are ways to hoodwink men of noble character," vociferously advocate "launching projects," "promoting science,"... and, when one accedes after such deceptions, he will respectfully ask for one's support.

Though the "enemy" tactics are many, they can only prevail through our weaknesses. As long as we clearly recognize the treachery and wage a pinpointed struggle, it will not be difficult for us to win. The basic method is to reinforce our defense capacity and eliminate our various loopholes. Mengzi said: "I am good at cultivating my noble spirit." In regard to us today, the noble spirit is the vital energy of the revolutionary and the party quality of the communist. Thus, we must conscientiously "cultivate ourselves skillfully," including studying and tempering.

Once we are tempered, we will emerge from mud uncontaminated. Why should we be afeaid of "constantly standing along the river?" If we do not steal meat to eat, we will not have oil on our mouths.

6080

CSO: 4005/1027

PARTY AND STATE

'HEBEI RIBAO' CRITICIZES FALSE ACCUSERS

HK270704 Shijiazhuang HEBEI RIBAO in Chinese 21 Aug 82 p 1

[Article by Xia Ming [1115 2494]: "On False Accusation"]

[Text] False accusations are always condemned by just public opinion and are forbidden by law. However, during the "Cultural Revolution" "the rebels" boldly and publicly lodged false accusations to expose, denounce, accuse and criticize "the capitalist roaders," "revisionists," "renegades" or "antiparty elements" by means of big-character posters, small-character posters, criticism meetings or interrogation meetings. Six years have elapsed since the end of the "Cultural Revolution," but the evil practice has not yet died out in Hebei. Some diehard factionalists are still framing up cases as their trump card to sow discord ideologically and organizationally so that they will be able to fish in troubled waters.

The present intention of bringing a false charge against someone is different from that which existed during the "Cultural Revolution." It is aimed at driving through a coach-and-four. Some false accusations pass off the sham as the genuine by taking advantage of the time when people are safeguarding their own democratic rights, exposing evildoers and evil deeds and denouncing bad cadres. For a time, it is difficult to distinguish between false accusers who are anonymous or have pseudonyms, and those who are unwilling to name themselves for fear of retaliation in exposing, denouncing or accusing evildoers and evil deeds. Under such circumstances, leading organs might hold back from taking action against false accusers for fear of involving good people. But an anonymous letter with only an "8-cent stamp" from a false accuser will often keep leading organs busy in carrying out an investigation for "half a year." As a result, the practice of making false accusations has grown into a general trend. This has affected unity within the party, broadened factionalist differences, slackened the fighting will of cadres and hindered the daily work of the party and government organizations. Many cadres possessing a sense of justice have long been seeing and worrying about such an evil trend and are thinking of how to check and eliminate the trend.

We hesitate to pelt a rat for fear of smashing the dishes beside it. If we can make the rat keep clear of the dishes, then everyone will chase and yell "kill it!" Therefore, we believe that the best ways to counter

false accusations are 1) trumped-up cases having a motive of revenge, should be sternly dealt with so that those who expose, denounce or accuse evildoers and evil doings will have less misgivings. 2) We must arouse and educate the people to sign their real names in order to express their desire to assume political responsibility when exposing, denouncing and accusing evildoers and evil doings. 3) Leading organs must seriously analyze anonymous letters and letters written under pseudonyms in order to make a correct judgement. According to conditions, such letters can be ignored or transferred to the accused's superior organizations for further investigation, if necessary. If the above can be done seriously, we presume that "big fish will not escape" and we should not spend "half a year" to conduct investigations. Then, letters from false accusers will come to naught.

The present trend of making false accusations has been fostered by some people acting as rats squeaking in holes. All who look forward to improving the social mood should make concerted efforts to bring these false accusers to light so that everyone can see and realize that they are nothing but rats.

CSO: 4005/1264

PARTY AND STATE

FORMER COUNTY DEPUTY CHIEF PROCURATOR ARRESTED

HK270147 Shijiazhuang Hebei Provincial Service in Mandarin 0400 GMT 21 Aug 82

[Text] (Liu Wensheng), former deputy chief procurator of Renxian County, knowingly violated the law, framed up and lodged a false charge against (Xin Renzhi), former chief procurator of Renxian County. Now, he has been arrested according to the law.

The criminal, (Liu Wensheng), seriously influenced by bourgeois thinking, had a strong desire for personal fame and gain. In order that he might be promoted to chief procurator, he deliberately framed up and lodged a false charge against (Xin Renzhi). During 4 months prior to the election in Renxian County last October, he successively wrote eight letters to central leading comrades, the higher people's procuratorate, the principal leading comrades of the provincial CPC committee and RENMIN RIBAO similar in content in which he created false stories and distorted facts, accusing Renxian County chief procurator (Xin Renzhi) of bending the law for the benefit of relatives and friends and of having shielded nearly 30 criminals.

In February this year, the highest people's procuratorate, the Hebei provincial people's procuratorate, the political and judicial commission of the Xingtai prefectural CPC committee, the Hebei provincial subprocuratorate in Xingtai prefecture and the Renxian County CPC committee formed a joint investigation group which conducted an investigation for 50 days. The results of the investigation showed that the so-called case of (Xin Renzhi) shielding criminals was actually pure fiction, and the charge by (Liu Wensheng) was completely false.

Having placed the case on file and after carrying out its investigation, the Hebei provincial people's subprocuratorate in Xingtai Prefecture concluded that (Liu Wensheng), in framing up and lodging a false charge against another, had seriously infringed upon a citizen's human rights and had committed a trumped-up crime. Therefore, the subprocuratorate arrested him according to Article 138 of the criminal law.

CSO: 4005/1264

PARTY AND STATE

'BEIJING REVIEW' ON CHINA'S CLASS STRUGGLE

HK260737 Beijing BEIJING REVIEW in English No. 33, 16 Aug 82 pp 17-19

[Article by staff writer Zhou Yan: "On China's Current Class Struggle"-- passages within slantlines published in boldface]

[Text] [Editor's note] Class struggle has continued in China even though the exploiting classes have been eliminated. The current class struggle differs from both the class struggle before the elimination of the exploiting classes and from the excessive struggle waged in compliance with the erroneous slogan, "Take class struggle as the key link," which was put forward under the guidance of the "left" thinking. The current class struggle, which is a special form of struggle under socialism, is the legacy of the historical class struggle.

The current campaign against the serious criminal activities in the economic sphere is a major manifestation of class struggle. Some people have asked: Since the exploiting classes no longer exist in China, how can there still be class struggle? Some worry that China will again take up the slogan "Take class struggle as the key link" raised shortly before the "Cultural Revolution" and that the country will regress. Some have even expressed this misunderstanding: You ceased talking about class struggle years ago, but now you give much publicity to it. This seems to mean that your policies have been changed.

To answer these questions, our political editor set forth his views in an article entitled "Current Class Struggle" in issue No. 17, this year. At the requests of our readers, here is a further examination of this question. [End editor's note]

It is not true that we gave up talking about class struggle years ago. The Communist Party's viewpoint that class struggle still exists in the present stage has been consistent since the third plenary session of the 11th Party Central Committee held at the end of 1978. The party corrected the erroneous slogan, "Take class struggle as the key link," which is inappropriate to socialist society; but at the same time it reaffirmed that class struggle continued to exist, as testified by the following facts:

While deciding to shift the emphasis of the party's work to socialist modernization, the third plenary session of the 11th Party Central Committee pointed out clearly: "There is still in our country today a small handful of counterrevolutionary elements and criminals who hate our socialist modernization and try to undermine it. We must not relax our class struggle against them, nor can we weaken the dictatorship of the proletariat."

Comrade Ye Jianying's speech at the meeting in celebration of the 30th anniversary of the founding of the People's Republic of China (adopted by the fourth plenary session of the 11th Party Central Committee held in September 1979) pointed out: "Class struggle still exists to a certain extent after the exploiters in our country no longer exist as classes."

The resolution on certain questions in the history of our party since the founding of the People's Republic of China adopted by the sixth plenary session of the 11th Party Central Committee held in June 1981 makes a comprehensive, scientific exposition of China's domestic class struggle. It stresses: "Class struggle no longer constitutes the principal contradiction after the exploiters have been eliminated as classes. However, owing to certain domestic factors and influences from abroad, class struggle will continue to exist within certain limits for a long time to come and may even grow acute under certain conditions. It is necessary to oppose both the view that the scope of class struggle must be enlarged and the view that it has died out. It is imperative to maintain a high level of vigilance and conduct effective struggle against all those who are hostile to socialism and try to sabotage it in the political, economic, ideological and cultural fields and in community life."

Causes

Why is it that there is still class struggle after the exploiting classes have been eliminated as classes? Just as our political editor explained in his article in issue No. 17, reality both at home and abroad tells us:

Although the exploiting classes have been eliminated as classes, their remnants and other hostile elements are still around and they will lose no chance to make trouble.

The ideology of the exploiting classes will retain its influence for a long time and will have the potential to corrupt some of our people. Some of today's exploiters, degenerates and criminals are waverers in the ranks of workers, peasants, intellectuals and cadres who have succumbed to the corrosion of the exploiting classes' ideology.

In places like Taiwan, Penghu, Jinmen and Mazu, the system of exploitation still exists and the exploiting classes are still intact. The reactionary elements of the exploiting classes will exert their corrosive influence on the mainland through all means.

Internationally, the imperialists and hegemonists are making every attempt to infiltrate, disrupt and subvert our country politically, economically, ideologically and culturally.

With the development of economic contacts with foreign countries, decadent Western bourgeois ideology and bourgeois life styles will make their way into China through various channels.

As a result, class struggle does exist to a certain extent after the exploiting classes have been eliminated as classes, and due to the particular historical situation, this struggle will inevitably be prolonged, persistent and may grow acute under certain conditions.

Preliminary investigations of the criminal cases in the economic field reveal that smuggling, embezzlement and bribery, speculation and swindling, and stealing state and collective property are rampant in some places and units. The struggle against economic criminals has a bearing on the success or failure of our socialist modernization and the prosperity or decline of our party and state. This is an acute struggle waged by the proletariat and the broad masses of people who uphold socialism against elements who are hostile to and try to undermine it. It is also a clash of diametrically opposed interests, and therefore it cannot be ignored. It is the major manifestation of class struggle in the economic sphere.

"Take Class Struggle As the Key Link" Discarded

Will we repeat past mistakes of "Taking class struggle as the key link" and thus magnifying class struggle? No.

"Take class struggle as the key link" was a slogan put forward shortly before the "Cultural Revolution" started in 1966. It deviated from the correct analysis of class struggle in our socialist society. After the socialist transformation of the private ownership of the means of production was basically completed in 1956, class struggle was still mistakenly regarded as the principal contradiction in our society. It was said to exist at all times, in everything and everywhere in our society. The theory also held that in the party, government, army and various cultural circles there were a large number of bourgeois representatives, known as the capitalist-roaders in power. The slogan "Take class struggle as the key link" was promoted on the basis of this subjective conjecture which led to the fatal error of initiating the "Cultural Revolution." Practice has fully proved the slogan to be entirely wrong.

Since the third plenary session, the Party Central Committee has summed up the historical experiences of our party on the question of class struggle and has made a sober analysis of the current class struggle in China. It has pointed out that in China the exploiting classes have been eliminated as classes. The current class struggle is the class struggle under the new historical conditions of socialist society. It

is a class struggle in a special form, or a special form of legacy of the historical class struggle under socialism. It is of great importance to have a correct understanding of the basic characteristics of the current class struggle. This will help distinguish the present struggle from the class struggle as it occurred before the elimination of the exploiting classes and differentiate class-struggle society from the future society in which classes and class struggle will be thoroughly eliminated. This analysis can also help overcome both the view that class struggle has died out and the view that magnifies class struggle.

Clear Demarcation Line

The characteristics of the current class struggle are clearly distinct from the "left" guiding thought epitomized in the slogan "Take class struggle as the key link." The line of demarcation is clear on a number of issues.

//First, the targets of class struggle are different.// Before the exploiting classes were eliminated as classes, the targets of class struggle were all exploiting classes. After the elimination of the exploiting classes, the targets of the struggle shifted to counter-revolutionaries and enemy agents, all kinds of criminals that seriously jeopardize socialist order, new exploiters who embezzle, steal, speculate and profiteer, certain remnants of the gang of four, a handful of unreformed landlords, rich peasants and some remnants of other exploiting classes. The chief targets of the current struggle are serious economic criminals.

//Second, the position of class struggle in our society has changed.// Before the elimination of the exploiting classes, class struggle was the principal contradiction of our society. Today, class struggle is no longer the principal contradiction. Instead, the contradiction between the people's increasing demands for material and cultural well-being and the backward social productive forces has become the principal contradiction. Thus accordingly, the party and state have shifted the emphasis of their work to developing social productive forces and gradually improving the people's material and cultural well-being. Class struggle, including the current campaign against the serious criminal activities in the economic field, is subordinate to and serves the central task of economic construction.

//Third, our analysis of the nature of class struggle is different.// In the past, class struggle was considered to exist at all times and in all places. As a result, a great number of social contradictions, not pertaining to class struggle were dealt with as if they were class struggle. Now, it is held that class struggle will continue to exist within certain limits for a long time to come. Moreover, the resolution adopted by the sixth plenary session of the 11th Party Central Committee pointed out "We must correctly understand that there are diverse social contradictions in Chinese society which do not fall within the scope of class struggle and that methods other than class struggle must be used for their appropriate

resolution." This kind of contradictions are struggle against the exploiting classes' influence reflected among the people. They are non-antagonistic contradictions. Non-antagonistic contradictions can be transformed into antagonistic contradictions under certain conditions. For instance, if minor economic offences are ignored, they can develop into serious economic crimes. This represents a process from quantitative change to qualitative change. But, before the qualitative change occurs, such problems do not fall within the scope of class struggle. In addition, there are numerous contradictions of a non-class nature among the people, such as those between right and wrong and between advanced and backward thinking. Class struggle is conducted within a certain limit as it exists.

//Fourth, the methods of carrying out class struggle are different.// Since class struggle is no longer the principal social contradiction, we do not need nor should we launch tempestuous mass movements as those in the past. We can make full use of our state machine to solve the limited class struggle that still exists. No mass movement will be carried out in the present struggle against economic criminals. Instead, we will rely on legal procedures. Actions will be taken on the basis of facts, and punishment will be meted out according to law.

Thus, our country's class struggle under the new historical condition is fundamentally different from the so-called "Taking class struggle as the key link" guided by "left" thinking. Some people assert that we are regressing. They are entirely wrong.

CSO: 4000/180

PARTY AND STATE

'GUANGMING RIBAO' ON RESULTANT FORCES' INFLUENCE

HK271020 Beijing GUANGMING RIBAO in Chinese 16 Aug 82 p 3

[Article by Kong Li [1313 4539] and Li Qiang [2621 1730]: "Li Zicheng, Dorgen, Zheng Chenggong--An Example of 'The Resultant Forces' in History"]

[Text] Li Zicheng (1606-1645) was the leader of a peasant army.

Dorgen (1612-1651) was the actual leader of the Manchu Noble's.

Zheng Chenggong (1624-1662) was one of the major generals of the South Ming Dynasty who resisted the Ching Army.

These three persons represented three forces in China at the end of the Ming Dynasty and the beginning of the Ching Dynasty. All three were outstanding personalities and all died when they were 39--this, of course, was a mere casual coincidence. The time of their debut on the historical stage differed, but the 1640's was the decade in which they were all acting on the historical stage. In 1644, Li Zicheng took Beijing, overthrew the Ming Dynasty and established the Dashun reign. In 1644, the Ching Army crossed the path and Dorgen was granted the title "Uncle Regent" and thus became the actual ruler of the Ching Court. In 1646, Zheng Chenggong led an armed upsurge on the sea against the Ching Dynasty. During that decade, these three persons, like the stars Rigel, Betelgeuse and Bellatrix together shone brightly over China.

In his letter to Yue Bu-luo-he [4766 1580 3157 6378], Engels put forth the following thesis: History is the result of the conflicts of the interacting wills of many individuals. "There are many interacting forces which form many parallelograms of forces." Their mutual conflicts and their interaction bring about an overall result, which differs from the will of any single individual and is the "general resultant of the forces" of the will of all individuals.¹

This thesis was put forth by Engels when he expounded the relations between the economic foundation and the superstructure. It was aimed at expounding the relationships between the wills of individuals and the laws of historical development. Obviously, this thesis is based on historical materialism.

In light of this thesis, we have selected from the countless parallelograms of forces at the end of the Ming Dynasty and the beginning of the Ching Dynasty the parallelograms of the three social forces represented by Li Zicheng, Dorgon and Zheng Chenggong as an object of our investigation and enquired into how the "resultant of these forces" emerged along the diagonal line of a resultant parallelogram and how these forces played their roles in the historical development at the beginning of the Ching Dynasty.

The Respective Wills of the Three Political Forces

During the first half of the 17th century, the colonialists had already come to the east, their tentacles had already reached China's Macao, the Penhu islands and Taiwan, and they continuously molested our coastal areas. On the other hand, the ancient Chinese empire was still under the fetters of the feudal system, was full of contradictions and was declining. By the 1640's, the insurrectionary army of the peasants led by Li Zicheng achieved great victories, took Beijing and established the Dashun reign, thus the extremely corruptive Ming Dynasty collapsed and was finally overthrown under the attack of the uprising peasants. At the same time, the strength of the Manchu nationality rose quickly. The Manchu Army defeated the Ming Army, and crossed the Shanhai Path. With the collusion of the Manchu and Han landlord classes, the Manchu Army overthrew the peasant reign and established the Ching Dynasty, taking Yanjing as the capital of their empire.

At that time, in the Chinese society, there were the following contradictions: The contradiction between the Chinese nation and foreign colonialists, the contradiction between the peasant class and the landlord class, the contradiction between the Manchu aristocrats and the people of all nationalities throughout the country and the contradiction between the sections in the landlord class of the Han nationality that upheld resistance against Manchu Army and the section that supported the Manchu rule. Class contradictions interacted with national contradictions and all the contradictions were very sharp.

Inside China at that time, there were the following political forces: The peasant insurrectionary army which represented the interests of the peasants, the China reign which represented the interests of Manchu aristocrats and a part of the landlord class of the Han nationality and the south Ming reign which represented the interests of the landlord class of the Han nationality.

At that time, the problems facing China were, internally, the question of which of the three forces would defeat the other two and win the ruling power over China and externally, the question of whether we would be able to resist the aggressions of colonialists and defend the independence and the territorial integrity of our motherland.

Where would China go? To this question each of the three forces gave their respective answer.

The Han landlord class attempted to reestablish its rule over the whole country. At first it did not regard the Ching reign to jointly wipe out the peasant insurrectionary army. In his letter to Dorgen, Shi Kefa said, "I humbly emplease your highness to resolutely maintain our friendship in fighting against our common enemy, make your virtue consummate and bring your force into our country to join us in striving to cut off the heads of the enemy and to avenge the death of our emperor." In his "Memorial to the Throne on Sending an Envoy to the North," he pointed out, "The most urgent thing now is to deal with the rebels" and advocated "borrowing the strong troops (of the Ching reign) in order to wipe out all the rebels."² In their eyes, the peasant army was still their most serious danger. Later, when the Ching Army came south and was attempting to conquer the whole country, the contradictions between nationalities became unprecedentedly sharp. In such a situation, the weak Longwu reign of the south Ming Dynasty began to fly the banner of resisting the Ching Army. In his mandate, Zhu Yujian, prince of Tang, said, "I grievously worry for the tombs of my ancestors and for my subjects. The barbarous Manchu army tarnished our ancestors' tombs and killed, raped and robbed my subjects who were thus in an abyss of suffering. Therefore, he announced that he "will personally lead the main force to fight against the Manchu Army."³ Rallying around the last state power of the south Ming Dynasty--the Yongli reign--a number of Han bureaucratic landlords also flew the banner of resisting the Ching army. He Tengjiao, Qu Shisi, Tu Yinxi, Zhang Huangyan, Huang Daozhou, Zheng Chenggong and others represented the section of the landlord class that upheld resistance against the Ching Army.

Judging by their original desire, the Manchu aristocrats only attempted to utilize the internal class contradictions of the Han nationality to invade and loot the main part of China. At first, they did not plan to seize the area to the south of the Changjiang River and unify all of China. The mandate that was issued when the Manchu army had just come to the south of the Shanhai path pointed out that, "It is a matter of course that those who do not forget the Ming court would help us--a loyal army of the minority nationality. I will not blame them if they united their force to defend the area on the lefthand side of the Changjiang River." This meant that at that time they allowed the officials and gentlemen to maintain their rule in the area to the south of the Changjiang River. However, over 1 month later, Dorgen changed his attitude and in his letter to Shi Kefa, he said, that "he would send his army to the east and take the area to the south of the Changjiang River" and he warned the emperor and officials of the south Ming court that the "result of a war between the force of a small area to the south of the Changjiang River and the force of a great state can be definitely foretold without using any means of divination." This showed that the Manchu aristocrats had already decided to seize the ruling power over the whole country and did not allow the south Ming court to maintain its rule in the south any longer.

As for the peasant army, when the army took Beijing, some people in the army thought that "the area to the south of the Changjiang River can be taken immediately by sending an envoy there." When the Ching Army crossed the Shanhai Path, the peasant army was faced with two enemies--the Han and the Manchu landlord classes. When Li Zicheng was forced to give up Beijing, he still planned to take Hanzhong in the south and Gansu in the east and use these areas as bases to resist the Ching Army. This showed that the peasant army still hoped to defend and develop what they had achieved in its uprising.

The above were the desires of the three political forces and we can treat these desires as the will of these classes.

The Three Personalities' Personal Will and the Conflicts Between Them

The will of a class is often embodied in the thoughts and actions of the leaders of the class and in the thoughts of the persons who represent the class. The will of an outstanding personality reflected not only his own will as an individual but also the will of the class he belongs to. This personal will basically identifies with the will of his class. However, an outstanding personality is often more far-sighted and wise than ordinary people, and therefore, sometimes he will possibly act out of the consideration of the long-term interests and will not proceed from immediate interests. But he may also commit mistakes because he misjudges the situation and he may do things that run counter to the will of his class. Moreover, because he is in a leading position, his personal will may bring about relatively great influence and he may play a greater role in the progress of history. Therefore, it is necessary to take into account the personal will of outstanding personalities.

As an outstanding leader of the peasant army, Li Zicheng's will represented the demand of the broad masses of peasants. During the progress of the uprising, the insurrectionary army put forth the slogans such as "Divide up the land equally between the nobles and the lowly," "Exempt all grain and money levies," "Exempt all corvees" and "Exempt the peasants from grain levies." All these slogans reflected the desire of the peasant class for equal division of land and for the abolishment of the cruel exploitation of the government and the landlord class. Li Zicheng punished senior government officials and big landlords and divided up their land among the peasants. He called this "taking from the rich to help the poor." He paid attention to enforcing the discipline on his army and announced that "when our tremendous army enters a city, our army men should not offend anyone. If anyone in our army loots, he will be put to death immediately."⁴ Under his leadership, the peasant army finally took Beijing, established the Dashun reign and dealt heavy blows at the feudal ruling class. After the Ching army crossed the Shanhai Path, Li Zicheng led his peasant army to fight against the Ching Army. In spite of repeated defeats, he persisted in fighting until he died. Obviously, Li Zicheng's subjective will was still to safeguard the interests of the peasant class.

He did not allow the emergence of a state power of Manchu aristocrats to rule over the peasants after the overthrow of one feudal state power. Later, the remnant of the peasant army persisted in fighting against the Ching Army for over a decade and this was an act that was aimed at fulfilling the task left by Li Zicheng. Li Zicheng's will embodied the highest level of awareness of the peasant class in his time and his activities constituted a magnificent chapter of the history of anti-feudal struggle. However, as he could not free himself from his class and historical restriction, he could not achieve a thorough victory in his anti-feudal struggle.

Dorgen represented the interests of Manchu aristocrats, but he was wiser than ordinary Manchu aristocrats. When they had just crossed the Shanhai Path, the ordinary Manchu aristocrats only attempted to kill and capture the Han people and loot. Then their main force would retreat through the Shanhai Path. They did not plan to establish their rule over central China. According to "eyewitness record of Li's reign," "the eighth prince said to the ninth prince (Dorgen), 'When we had just taken Liaodong, we did not kill Han people. As a result, many of our Ching people were killed by the Han people there.' Now we should take the advantage of the victory of our army and kill Han people on a large scale. Then we will leave a few princes to garrison Yanjing and our main force will withdraw to garrison Shengyang or the Shanhai Path, thus we will have no trouble in the future." However, Dorgen had a long-term plan in his mind and he insisted on moving the capital to Yanjing for the purpose of further invasion. He utilized the internal class contradictions among the Han people and attempted, on the one hand, to unite with the peasant army to fight the remnant forces of the Ming reign. He wrote, in the name of the "Emperor of the Great Ching Empire," to the generals who occupied the western part of the Ming empire and said that he "wants to combine the wisdom and strength of your excellencies to attack and take the central plains together. If we succeed in taking the whole country, we will enjoy wealth and power together." On the other hand, he attempted to disintegrate the peasant army. He personally wrote to Tang Tong, a former Ming general who had surrendered to the peasant army, and told Tang to "take the lead to bring his (Tang's) troops to come over and pledge obedience to" him and strive with one heart and mind with him to conquer the whole country."⁵ At the same time, Dorgen also attempted to unite with the force of the south Ming reign to suppress the peasant army. In his letter to Shi Kefa, he pointed out that he "wishes that your highnesses will cooperate with me (Dorgen) in fighting against the rebels" so that "you might avenge your emperor's death and help me to develop the virtuous deeds of my court." However, these measures failed to achieve any results in disintegrating the anti-Ching forces of the Han nationality. It was mainly through a long period of military contention that the Ching army obtained the power to rule over the whole country.

Although Dorgen was wiser than ordinary Manchu nobles in having adopted a few measures to lure and win over Han landlords and officials, generally

speaking, what he implemented was in the main the national oppressive policy which safeguarded the interests of Manchu aristocrats. Despite the resistance of all the strata of the Han people, he enforced the implementation of this policy. In the 3d year of the Shunzhi reign, Dorgon issued an order stating that "if anyone sends me a memorial in which he says anything against the enforcement of the Manchu style of hair, the enforcement of the Manchu style of dress, the policy of taking private land as the emperor's or the aristocrats' property, the policy of forcing people to be serfs or the practice of punishing the relatives and neighbors of the those who fled, he should be punished without exception and his memorial should not be passed to me." Therefore, according to Dorgon's personal will, the Manchu aristocrats, as the conquerors, had to become the only rulers in China, the Han landlord class was not allowed to share the power to rule, the Manchu aristocrats had to be allowed to exploit and enslave the people of all nationalities and no one was allowed to oppose exploitation and slavery.

Zheng Chenggong, though not the only representative of the anti-Ching force in the south Ming court, was one of the outstanding representatives. Many people in the court of the south Ming Dynasty flaunted the banner of "recovering central China" and vainly attempted to suppress the peasant insurrectionary army, drive away Manchu aristocrats and restore the rule of the Ming imperial court was extremely corrupt and in a desperate situation and it was even very difficult for them to maintain their rule over the area on the lefthand side of the Changjiang River. Therefore, what they called their "urgent desire to recover the cultural plains" could only be empty brave words because, in fact, few people could take any vigorous actions to promote the great cause of recovering central China. Shi Kefa, the top loyal official of Emperor Hongguang, vainly attempted to use the Ching force to suppress the peasant army, but his real intention was to share the rule over the country with the Ching court, and he did not intend to recover the central plains. Deng Zhilong, the number one general of Emperor Longwu, despite the favor that he received in being granted the title of "Marquis Pinglu," surrendered to the Ching Army before his troops engaged in any battle with the Ching Army. As for the officials of the prince of Lu, no one did anything to resist the Ching Army except Zhang Huangyan and Zhang Mingzhen, who fought a few battles against the Ching Army. He Tengjiao and Qu Shisi, who supported Emperor Yongli, indeed persisted in resisting the Ching Army, and moreover, they united with the peasant army in their military actions. However, as they could only fight in a small area in the southwest, it was all along hopeless for them to "recover the empire."

The reason why Zheng Chenggong was regarded as one of the outstanding persons in resisting the Ching Army during the south Ming Dynasty was because he not only treated the task of recovering the empire as his own duty but had also personally led troops to fight south and north for the fulfillment of this task. His troops even marched as far as near the

Changjiang River to seize Jiangning. In resisting the Ching Army, most of the officials in the south Ming court acted passively in response to the enemy's attack. Military activities in taking the initiative to launch attack like Zheng Chenggong's were indeed some extremely few exceptions. This was where Zheng Chenggong was better than the others. Certainly, those officials and emperors of the south Ming Dynasty who only vainly sought to maintain their rule over the small area on the lefthand side of the Changjiang River were by far inferior when compared with him. Second, Zheng Chenggong was able to unite other anti-Ching forces to develop the struggle in a planned manner. According to his plan, he would first cooperate with the peasant army in Fujian and other areas to consolidate his base at the coastal area and accumulate and develop his military strength. Second, he would unite and cooperate with Li Dingguo's Daxi Army and thus they would form a pincer in attacking the enemy in order to join their forces. Third, he planned to "wipe out the enemy who had occupied the palace of the Ming court and to form a sworn union with the allies at the outskirts of the capital" in order to fulfill the "great task of recovering the Ming empire." Finally, after his military operation to recover the area to the south of the Changjiang River failed, he did not withdraw his troops to Xiamen and Jinmen islands to passively accept his defeat. On the contrary, he was able to have prevailed over all dissenting views and made the policy decision of launching the east expedition. As a result, he finally succeeded in driving away the Dutch colonialists and recovering our territory Taiwan. By so doing, he scored a great historic achievement which was certainly something his contemporaries could not have attempted. His subjective aim in recovering Taiwan was still to resist the Ching Army. He said, "If we take this island as a temporary shelter, we will be able to reorganize and develop our troops in order to recover our empire."⁶ Finally, we should point out that because of Zheng Chenggong's class stand, he would certainly have had the desire to develop trade on the sea in order to promote the interests of the marine trade group that he represented. Both his actions in fighting the Ching Army and in recovering Taiwan reflect, to a certain degree, his will in these aspects.

All Three Contributed to the Progress of History

What were the "overall results" of the struggle between the three forces that were respectively represented by Li Zicheng, Dorgon and Zheng Chenggong? Judging by the relatively important "historical events" then, there were the following results: In 1662, the Ching Army captured Emperor Yongli and the last state power of the south Ming Dynasty was overthrown; in 1662, Zheng Chenggong recovered Taiwan; in 1664, the rulers of the Ching court finally wiped out the remnant troops of the peasant insurrectionary army; and in 1683, Emperor Kongxi unified Taiwan with the mainland and the Zheng family group surrendered. As for the overall result, a unified feudal state ruled over by the Manchu and Han landlord classes emerged. This was the result of the operation of the resultant force of the forces in the history.

However, this overall result did not emerge in accordance with the will of any individual and it was "a result that no one had ever wished."

It was not a development that conformed to Li Zicheng's will. Li Zicheng attempted to overthrow the feudal reign and establish a state power of the peasants. This attempt was realized for a time, but in the end Li Zicheng was defeated. Later, because of the change in the situation, his remnant forces united with his original enemy--the remnant force of the Ming court to resist the Ching Army. This was a development that he had never dreamed about.

This result also differed from what Dorgon wished to happen. As the Manchu aristocrats could not realize their desire in ruling over central plains alone, they could not help but unite the Han landlord class to jointly rule China. As early as during the period when Dorgon was in power, he began to make quite a few concessions to the Han bureaucratic landlords in order to ease the national contradictions. For example, he permitted the continual employment of the government officials of the previous government of the Ming court, even including those who had surrendered to the insurrectionary army if they expressed their "submission" to the Ching court. He also used the official examination to win over the intellectuals of the landlord class and adopted some policies to reduce taxation in order to benefit Han landlords. Moreover, he gave permission to marriages between Manchu and Han people. When Emperor Shunzhi took over the state power, he continued the implementation of Dorgon's policies, assigned Han people to important official posts and advocated Han culture. During the reign of Emperor Kongxi, in order to further appease the anti-Ching feelings among the Han officials and gentlemen, an additional examination began to be regularly held to select learned people as officials, in order to winning over talented people. Emperor Kongxi raised the position of Han officials and gave all the prefectural and county official posts to Han official candidates in order to give the Han landlords more opportunities for official jobs and better prospects. Moreover, he issued an order to ban the practices of forcefully seizing private land as the emperor's or the aristocrats' and of compelling people to be serfs, and he gradually substituted the feudal tenancy system for serfdom in the farms of Manchu aristocrats. As a result he eased the contradictions between the Manchu aristocrats and the Han landlords. Furthermore, the Manchu aristocrats could not help but adopt some policies to reduce the burden of levies and corvees on the peasant class. Faced with the situation whereby a large amount of land had been turned into waste land because the prolonged war caused many peasants to run away, and faced with the reality of the poverty of the people, Dorgon was forced to temporarily reduce the exploitation of the peasants in order to recover the production. He said, "In order to rule the people satisfactorily, nothing is more important than the reduction of the severity of legal punishment and the tax burden." Therefore, he announced the abolishment of the additional taxation that the Ming court enforced on the people in order to fund the war at the end of the

Ming Dynasty. At the same time, he called on the wandering peasants to return to their production and ordered the various local governments to solicit the wandering peasants on a large scale and to give wasteland to them as their permanent property.⁷ He also ordered that "if local despots and influential people lend money at a high interest rate to force people to go bankrupt," the government must punish these despots and influential people. Of course, it was under the pressure of the situation that they adopted the above-mentioned policies and therefore, they had not achieved any substantial results by adopting these policies. However, after all, these were measures that were favorable to the recovery of production. Emperor Kongxi continued to adopt the policies of reducing taxation and levies and encouraging opening up wasteland. He stipulated that "in exempting taxation in the future, a proportional exemption should be carried out so that the landlords could enjoy 70 percent and the peasants could enjoy 30 percent of the benefits that will be brought about by the exemption." Obviously, this exemption was more favorable for the landlords, but anyhow, the burden on the peasants were to some extent reduced. Moreover, he ordered that the land of the princes of the Ming court be divided and granted to those who had been tilling it as their personal property.⁸ This was what was called the "land of which the name of owners have been changed." By so doing, the Ching court recognized the peasants' title over the land they had got after the peasant war. In short, the development of history was the "outcome of the operation of a force that acted as the overall resultant forces and that unconsciously and spontaneously played its role." The Manchu aristocrats could not help but make some concession to the Han landlord class and the Han peasant class and force themselves to gradually adapt to the relatively advanced economic, political and cultural conditions on central plains. This was also something Dorgen and his contemporaries could not have imagined.

It was just the same for Zheng Chenggong; the result of the historical development did not conform to his will. Zheng Chenggong's desire in resisting the Ching court and recovering the Ming empire was not realized. Taiwan did not become a base for resisting the China army. By the time when Zheng Jing ruled Taiwan, it was in the main impossible for him to persist in fighting against the Ching court and the banner of anti-Ching struggle gradually lost its power to attract the people. By the time when Zheng Keshuang ruled Taiwan, the Zheng family group had to give up its cause of resisting the Ching court and decided to let Taiwan be a part of the territory of the Ching empire and thus the whole country was reunified. Obviously, this conclusion did not conform to Zheng Chenggong's personal will.

The course of history has proved that the wills of various people interact and the realization of each person's will is restricted by the various wills of the other people and therefore cannot be achieved or cannot be completely achieved. However, as Engels said, "From this fact, we should by no means draw the conclusion that all the wills are equivalent to nothing. On the contrary, each of the wills contribute to and are included in the resultant force."

Now, let us look into how these various wills contribute to the resultant force.

We are of the opinion that by the word "contribute" we mean that these wills played their roles in bringing about the outcome of the struggle and had their impact on the development of this outcome. In this sense, the most important role that these wills played were on the change of social contradictions and the later development. To be more specific, the major contributions of these three persons were:

Li Zicheng: He overthrew the corrupt Ming court, dealt a heavy blow at the rule of the feudal landlord class and forced the rulers of the Ching court to adopt measures to reduce taxation and levies, restrict local despots, readjust social relationships and promote the recovery and development of production. The peasant army's slogan for "dividing up land equally and exempting grain levies" had a bearing on the peasants' struggle during the Ching Dynasty.

Dorgen: He commanded the Ching Army and led it to march to the south. Moreover, he promoted the formation of the union between the Manchu and the Han landlord classes, laid the foundation for the reunification of the whole country and prepared conditions for the recovery and development of production and the readjustment of the class relations and national relations during the early Ching Dynasty.

Zheng Chenggong: He carried out the struggle against the Ching court and forced the authorities of the Ching court to readjust their relationships with the Han landlord class and ease up the national contradiction, and thus promoted the reunification of the country. He led the east expedition, drove away the Dutch colonialists, recovered and developed Taiwan, safeguarded the motherland's sovereignty over its territory and thus prepared conditions for the realization of the reunification of the whole country.

These were the contributions of the wills of Li Zicheng, Dorgen and Zheng Chenggong to the emergence of the resultant force. As for how great the contribution of each was, it was hard for us to describe it in accurate figures. Of course, the wills of a very large number of people contributed to bringing about the outcome of the emergence of a unified feudal country that was jointly ruled by Manchu and the Han landlord classes. However, we have selected only three representatives from the complicated course of history to make a study of. In the Chinese society at the end of the Ming Dynasty and the beginning of the Ching Dynasty, the economic foundation of the feudal system was still rather strong and there were not economic prerequisites and conditions for the society to progress into capitalist society. Therefore, the laws of historical development determined the direction of the resultant force and the society of the Ching Dynasty could only move forward along the orbit of feudal society. Nobody's will could have brought the Chinese society away from this orbit.

Li Zicheng was unable to lead the peasant insurrection to its complete victory, Zheng Chenggong was unable to make the sea trade develop without any impediments, and Dorgen was unable to transplant the Manchu nationality's backward relation of production to the central plains. However, Li Zicheng's demand for the reduction of the peasants' burden, Zheng Chenggong's demand for the recovery of the rule of the Han landlord class and Dorgen's demand for the seizure of the ruling power over the whole country could be partly and more or less realized under the premise of their conforming then to the social and historical conditions. Therefore, in a sense, among the "countless interacting forces," the most powerful forces are the established social and historical conditions. As Marx said, "People themselves created their history, but they do not create at will or under conditions they choose. On the contrary, they create under the conditions that they can directly feel that are already established and that are inherited from the past."⁹

FOOTNOTES

1. "Letters of Marx and Engels."
2. "Collected Works of Shi Kefa."
3. "Detailed History About Emperor Siwen's Reign."
4. "A Checkered History of the Ming Dynasty," Vol 100.
5. "A Collection of Historical Files of the Ching Dynasty," Vol 7.
6. "Unofficial History of Taiwan."
7. "Draft of China History," "Biography of Dorgen."
8. "History of the Official System of the Ching Dynasty."
9. "Selected Works of Marx and Engels," Vol 1, p 603.

CSO: 4005/1266

PARTY AND STATE

'RENMIN RIBAO' ON SEPARATION OF POWERS

HK201556 Beijing RENMIN RIBAO in Chinese 17 Aug 82 p 5

[Article by Zhao Zhenjiang [6392 7201 3068]: "On the Principle Governing the Division of Powers of the Central the Local State Organs"]

[Text] Article 3 of the general principles of the "draft of the revised PRC constitution" which is now before the people of all nationalities throughout the country for discussion states that "the division of powers of the central and local state organs must adhere to the principle of observing the unified leadership of the central authorities and bringing the initiative and enthusiasm of the localities into full play." This stipulation has provided a guiding principle and a legal basis for a rational division of powers of the central and local state organs.

I

Basically, there are two kinds of state structures: the unitary system and the federal system. The unitary system is a structure made up of several administrative regions under the unitary sovereignty of the state. Countries adopting this system have only one central government and one constitution. Most modern countries follow this system. The federal system is a united country made up of several member-states (such as republics, states and prefectures). The federation has the highest legislative and administrative bodies and a unified constitution and law. In accordance with the federal constitution, the member-states establish their own legislative bodies and constitutions. No matter whether the unitary or federal system is followed, all states are confronted with the problem of dividing powers between the central authorities and the localities.

The preamble of the draft of the revised PRC constitution clearly stipulates that the PRC is a multination state founded by all nationalities of the country. In other words, our country is adopting the unitary state form. The division of powers of the central and local state organs must, first of all, guarantee the unified leadership of the central authorities. This tallies with the common aspiration of the people of all nationalities, the basic interests, the historical traditions and our country's actual situation. In dividing the powers of the central and local state organs,

We must adhere to the principle of the unified leadership of the central authorities. This is the requirement and manifestation of the principle for implementing the democratic centralized system in state organs of our country. In a socialist state, the most essential and principal content of democracy is that the broad masses of the people are the master and they have the extensive right to administer state and social affairs. On a democratic basis, they can create and organize state organs at all levels; stipulate unified laws, decrees, policies, principles and plans to guide and instruct the acts of the people throughout the country; mobilize and organize the people of the country to strive to realize their aspirations and interests. In dividing the powers of the central and local state organs, we must guarantee the unified leadership of the central authorities. This is another requirement of the socialist cause of our country. Comrade Mao Zedong once pointed out: "In order to build a powerful socialist state, we must have a unified and powerful central leadership and a unified plan and discipline for the whole country." In particular, regarding the relevant internal affairs, foreign affairs, national defense and principal policies that affect the national economy and the people's livelihood, we must have a unified leadership in the central state organs so as to guarantee and safeguard the completeness of state activities and the unity of sovereignty in our country.

In order to strengthen the unified leadership of the central state organs, the draft of the revised constitution has amended and filled out the existing constitution: 1) It strengthens the role of the NPC as the highest organ of state power and emphatically stipulates that the Standing Committee of the NPC can also make laws, so that the NPC Standing Committee can promptly and effectively decide on the major problems of the state when the NPC is not in session. 2) It stipulates that the State Council should implement the premier responsibility system and that the State Council has the right to stipulate and criticize the administrative laws and regulations in accordance with the constitution, laws and decrees. It has the right to "change or annul unsuitable decisions and orders of the state administrative organs at all levels," and "to exercise unified leadership over the local state administrative organs throughout the country and to specify the division of power of the central, provincial and autonomous prefectural administrative organs and that of municipalities directly under the central government. 3) It stipulates that "the State Council should establish an auditing organ and audit and supervise the people's governments at all levels and their subordinate financial organs, and audit and supervise the finances of enterprises and institutional organizations and the financial revenues and expenditures." Apart from this, the draft of the revised constitution also stipulates that the state chairmanship system should be restored and a central military commission should be introduced and so on. The above-mentioned stipulations make the system of the central state organs more complete so that the relationship between the central and local state organs will become more harmonious and the efficiency of the central state organs will be greatly enhanced. This ensures a unified leadership of the central state organs over local state organs.

II

Ours is a country with a vast territory and a big population. The political, economic and cultural development of all localities is unbalanced and the situation differs in thousands of ways. However, the state constitution, laws and decrees and the policies, principles and plans of the central government are based on the general situation in the country. It is impossible to make specific stipulations for all issues for all localities and units. Because of this, the central authorities should give the local state organs ample initiative and flexibility so that they can deal with the problems in line with local conditions. The theme of the draft of the revised constitution on the principle of dividing powers between the central and local state organs is to bring the initiative and enthusiasm of local state organs into full play under the premise of adhering to the unified leadership of the central authorities. The party's policies, principles and line; the state's constitution, laws and decrees; and the central government's decisions, orders and plans must be implemented through activities launched by local state organs. Since the local state organs, in particular the grassroots political powers, understand the opinions and demands of the masses best, they are responsible for mobilizing and organizing the mass of people to realize the various state projects and administer the various institutions of the local district. Therefore, whether or not we can mobilize their initiative and enthusiasm is related to the success and failure of the four modernizations of our country.

To bring the initiative and enthusiasm of local state organs into full play, we must grant them responsibilities and authority, clearly state their authority of office and grant them legal protection to exercise their functions and authority. Because of this, the draft of the revised constitution stipulates that the local people's congresses at all levels are entitled to pass and issue resolutions and to examine and decide on plans for local economic, cultural and public affairs undertakings in accordance with the limits of their authority, as prescribed by law, within the local administrative district. The people's congresses of provinces and municipalities directly under the central government and their standing committees can stipulate and issue local laws and regulations under the premise that they do not contravene the constitution, laws, decrees and administrative laws and regulations, and report to the NPC Standing Committee for the record. In accordance with the limits of authority as prescribed by law, the local people's governments at all levels should take care of the administrative work of the economic, educational, cultural, public health and physical cultural work as well as the construction of towns and cities and the financial, public security, civil administration and planned parenthood work. The draft also stipulates that the people's congresses of the nationality autonomous prefectures are entitled to stipulate autonomous and specific regulations on the management of local finances. They can organize a local public security unit to safeguard social order. "Under the guidance of the state plan, they can take the initiative to manage local economic and construction affairs" and "take the initiative to manage local educational, scientific,

cultural, public health and physical cultural work; safeguard and reorganize the cultural relics of the nation; develop and promote our fine national culture."

III

At present, how to correctly integrate the unified leadership of the central authorities with bringing the initiative and enthusiasm of the localities into full play is an important task for building political power and reforming the government system in our country. In this respect, the draft of the revised constitution is more advanced than the past constitutions. By dividing the powers of the state organs at all levels, the internal relations between the central authorities and the localities is getting closer.

On the one hand, the draft stipulates that when bringing their initiative and enthusiasm into full play and when exercising their authority and carrying out various activities, the local state organs should implement the principle that the lower level be subordinate to the higher level and the localities to the central authorities. For example, the draft stipulates that "the local people's congresses at all levels should guarantee the observation and execution of the constitution, laws, decrees and administrative laws and regulations within the local administrative district" and "the local people's governments at all levels must be responsible to the next higher level and should submit their reports to it. The local people's government at all levels throughout the country are state administrative organs under the unified leadership of the State Council. They must be subordinate to the State Council." On the other hand, the draft demands that the central authorities not impose strict restrictions on the localities, not exploit the decision-making power of the localities and the autonomy of national autonomous organs. It also stipulates that the central authorities are responsible for helping the localities and for safeguarding their interests. For example, the draft stipulates that "the state should protect the autonomy of the government organs in the nationality autonomous areas to implement state laws and policies in accordance with local conditions. Furthermore, it should help the minority nationalities to speed up the development of economic and cultural construction with regard to finances, materials and technology." "When the state exploits the natural resources and constructs enterprises in the nationality autonomous areas, it must take the interests of the nationality autonomous areas into consideration."

Early in 1956, Comrade Mao Zedong pointed out: "What we should pay attention to at the present moment is that we must expand the local powers under the premise of consolidating the unified leadership of the central authorities, and give the localities more independence so that they can do more things. This is relatively advantageous to building a powerful socialist country. Since our territory is so vast, our population so big and the situation so complicated, it is much better if we mobilize the

enthusiasm of both the localities and the central authorities." The idea of Comrade Mao Zedong is absolutely correct. This idea runs through the draft of the revised constitution, which stipulates the division of powers in the central and local state organs. It adopts the "method of enumeration": The powers of the central authorities and the localities are listed in different chapters and sections. Since the authorities of office are clearly stated, it is more convenient for the officials to attend to their own duties. As a matter of fact, in the wake of the changes of the objective situations, the division of powers of the central authorities and the localities must be readjusted accordingly. However, the readjustment must be carried out according to legislative procedure and must tally with the principle and spirit of the constitution.

CSO: 4005/1266

PARTY AND STATE

'CORRECT ATTITUDE' NECESSARY IN REGARD TO INTELLECTUALS' LABOR

Xi'an SHAANXI RIBAO in Chinese 7 Jul 82 p 2

[Article by Miao Baosheng (5379 0202 3932): "How To Regard Correctly the Labor of Intellectuals"]

[Text] Because of "leftist" ideological troublemaking in the present implementation of policies on intellectuals, there are still a number of people who even now consider intellectuals to be unproductive persons. For this reason, they regard the legitimate requests of intellectuals in their work and study as being "special." This has not only created estrangement between the workers and peasants on the one hand and scientific and technical personnel on the other but it has also dampened the enthusiasm of the scientific and technical personnel. If we are to thoroughly eliminate this limited and narrow prejudice, we must handle the labor of intellectuals with a correct attitude.

Historically, intellectuals have for the most part played a progressive role and have fallen within the sphere of laborers. So-called intellectuals are a group of people who are at a definite level of science and culture and who are engaged in mental work. Mental work is a product that is produced and developed to a fixed stage and is manifested in great advances in the society. The division of labor into physical labor and mental labor occurred in slave societies after the division of labor between agriculture and animal husbandry and between cities and rural villages. As agriculture, animal husbandry, commerce and handicraft industries developed, such industries as spinning, weaving, smelting, pottery-making and navigation appeared. "Once the rise and development of science had begun, it was determined by production" ("Selected Works of Marx," Vol 3, p 523). Further development of production forces made new demands on science, technology, culture and art. For example, animal husbandry, agriculture, irrigation, construction and production and circulation of goods require specialized knowledge. Thus, there were some people who became separated from physical labor and who specialized in doing cultural, scientific or technical work, becoming mental laborers, i.e., intellectuals. Thereupon, there developed the division of labor between physical labor and mental labor. At the present stage, physical laborers and mental laborers are forces upon which we are relying to establish the four modernizations. Both are indispensable. If we do not have revolutionary theory and advanced science and technology as our guides, all of our practical activities will be accomplished blindly. However, if we do not have practical

forces consisting primarily of workers and peasants, then good theory and science and technology will be empty and useless. Thus, both play important roles in establishing the four modernizations. However, we must also realize that science and technology are in a leading position in the process of uniting physical laborers with science and technology in production. Speaking specifically, without mental laborers, we cannot have a modern civilization. "A rapidly advancing civilization is entirely owing to the mind and is owing to the development and activity of the brain" ("Selected Works of Marx and Engels," Vol 3 p 515). If we had relied solely on our hands, we would never have created the steam engine.

Marx said, "When we compare the product of an hour of complex labor with the product of an hour of simple labor, we find that the former product has a value two or three times that of the former" ("Collected Works of Marx," Vol. 3, p 237). The labor in which intellectuals engage is for the most part complex labor. This type of labor is much more difficult and much more complex than simple labor with the result that the value created is also much greater. Moreover, with the development of modern science and technology, the role of mental labor in building the national economy has become more and more important. Just as Marx pointed out, "In order to accomplish the tasks of production, the laborer can no longer rely solely on the knowledge and skills that he has acquired directed from productive labor. Production as a whole does not depend directly on the skills of the laborer. Rather, it is the application of science to skills" ("Outline of a Critique of Political Economy," Vol. 3, p 349). The application of intelligence to productive processes not only requires that mental laborers take part directly in productive processes but also that they play an even greater role in transforming productive forces in the form of knowledge into direct productive forces and in engaging in reproduction of knowledge and production of new knowledge. Therefore, it would not do to lack a large corps of intellectuals. From this it can be seen that the labor of intellectuals is an important aspect of social practice and that it is much more complex and much more difficult than simple physical labor. Thus, it can be acknowledged that the views that intellectuals "have it easy" and that they "do not create value: are incorrect.

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PARTY AND STATE

GUARD AGAINST FOREIGN ELEMENTS' INSIDIOUS 'PEACEFUL EVOLUTION'

Xi'an SHAANXI RIBAO in Chinese 7 Jul 82 p 2

[Article: "Why Is It Said That the Danger of Peaceful Evolution Is Far From Elimination?"]

[Text] We know that, in order to accelerate the establishment of modernization in our nation, we must put the policy of correct and thorough implementation of opening up to the outside and the development of economic relations with the outside world in an important strategic position. This has caused us to become confronted with a new and extremely complex situation. First, foreign reactionary forces are increasing their channels of "peaceful evolution" toward us. Second, hostile foreign elements are employing a much more varied content of "peaceful evolution" against us. Third, the means whereby foreign reactionary forces are employing "peaceful evolution" against us are even more insidious. On the one hand, they use the opportunities provided by mutual exchange of overseas students and scholarly exchanges to attempt to make a "permanent investment" in some of our personnel that go abroad and particularly in leading cadres and their sons and daughters in order to cultivate their forces in China. In addition, by means of such means as broadcasts, television and books and periodicals they are putting the focal point of "peaceful penetration" on shaking the faith of our younger generation in the leadership of the Party and in the socialist system. The effects of the decadent ideology of capitalism on some persons in our Party, its ideological poisoning of the people and its contamination of social practices will be greater and more severe than at any time in the past. In the economic sphere, such illegal and criminal activities as smuggling and peddling, profiteering and cheating and corruption and bribery are more severe and more rampant than in the period of the movement against the three evils [Sanfan]. In the sphere of ideology and culture, such phenomena as worship of and fascination with foreign things and loss of national standards and personal moral standards are also more prominent than at any time since the founding of the nation. Some of those in our ranks with weak wills, including even a very small number of middle-level and high-level cadres, have become prisoners of the capitalist class.

To prevent "peaceful evolution" today, we do not need to repeat past political movements nor do we need to launch another "great cultural revolution." Rather, we must proceed with leadership in a gradual and orderly manner through the socialist system itself. The policy of pushing "peaceful evolution" on socialist countries is an established policy of imperialism. However, this is definitely not to say that the occurrence of "peaceful evolution" is unavoidable in socialist countries. As long as our Party itself is healthy it can resist the attacks of all kinds of "germs" and "peaceful evolution" cannot prevail in our nation.

PARTY AND STATE

'CORRECT PARTY STYLE' TO PREVENT DAMAGE, LOSS OF PRESTIGE

Xi'an SHAANXI RIBAO in Chinese 7 Jul 82 p 2

[Article: "What Is the Difference Between the Thesis on Major Danger and the Formulation of 'Bourgeois Within the Party'?"]

[Text] Everyone knows that the principal arguments and practices of the "Great Cultural Revolution" were incorrect. Under conditions in which the socialist transformation of the means of production had basically been completed and in which the exploiting class no longer existed as an intact class, its premises were that the contradictions between the proletariat and the capitalist class were still the major contradictions in society, that a capitalist class could be formed within the Party and even that a confusion between right and wrong had been brought about. The "capitalist roaders" that were overthrown in the "Great Cultural Revolution" were actually leading cadres of the Party and in organizations at all levels in the nation who supported Marxism. The basic difference between the thesis that the "major danger" comes from the corruption and degeneration of wavering elements within the Party and the formulation that the "focal point should be on rectifying the capitalist roaders in the Party" lies first in a difference in appraisal of the situation. The former is a scientific conclusion derived on the basis of objective reality and is correct, whereas the latter has no objective basis.

Second, the targets of the first formulation are the small numbers of proven serious economic criminal elements and corrupt and degenerate elements that have now appeared within the Party and among the cadres. However, the broad ranks of Party members and Party cadres are good and comparatively good. These serious economic criminal elements have not necessarily been generated from our economic and political system. Their activities are destroying our economic and political system and are illegal. As soon as they are discovered, they are punished according to the law. They can become new exploiting elements but they definitely cannot develop into an exploiting class nor can they form a so-called bourgeoisie within the Party. On the other hand, the latter formulation points to the broad rank and file of Party members and Party cadres and particularly to the leading cadres at all levels. Not only does it advance the ideas of "capitalist roaders" and of a "bourgeoisie within the Party" that in actuality do not exist but it also has enlarged on these ideas in an unlimited way as if our entire corps of cadre and our entire Party have "degenerated," not only creating con-

fusion among themselves but also giving scoundrels opportunities that they can exploit.

Third, in attacking serious criminal elements and other corrupt and degenerate elements in the economic sphere, we must mobilize the masses and rely on the masses. However, we must not adopt the method of engaging in political movements that we took in the past. Moreover, we must be rigorous about taking reality as our basis and law as our criterion. In this way, we can further correct Party style and increase the prestige of the Party without bringing about great damage to the Party style and without causing great decrease in Party prestige as in the "Great Cultural Revolution."

Fourth, the struggle that we are now resolutely conducting against the corrosive influence of capitalist ideology is cleaning corrupt and degenerate elements out of the Party and has as its purpose even better progress in establishing socialist modernization. By contrast to this, the rectification of the so-called "capitalist roaders" and "bourgeoisie within the Party" succeeded only in sabotaging socialist reconstruction. In view of this, the former is essential to socialist reconstruction, whereas the latter endless, so-called intraparty struggle which lacks an objective basis obstructs and even destroys socialist reconstruction.

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PARTY AND STATE

SUMMARY OF NATIONWIDE PRESS COMMENTS ON DRAFT CONSTITUTION

Shanghai SHIHUI KEXUE [SOCIAL SCIENCES] in Chinese No 6, 82 pp 10-11

[Article by SHEHUI KEXUE Information Office: "The Draft Constitution Conforms to the Chinese Reality--a Summary of Press Commentaries on the Draft of the Revised Constitution"]

[Text] Since the founding of the PRC, our Republic has produced three constitutions, namely, the constitutions of 1954, 1975 and 1978. The present "Draft of the Revised Constitution" which has been made available for discussion by people of all nationalities throughout the country will become the fourth constitution of our republic following nationwide discussion and approval by the National People's Congress. The following is a summary of issues and proposals initially discussed in various newspapers and journals.

First, the "Draft of the Revised Constitution" conforms to the Chinese reality and is an improvement over the previous constitutions.

The Third Plenary Session of the 11th Party Central Committee marked the great turning point of profound significance and remarkable changes in the development of the situation on the homefront. To enable it to meet the current needs, the constitution of 1978 needs to be greatly revised. The present "Draft of the Revised Constitution" that has been made available for discussion took shape after consultation with the "Resolution on Certain Questions in the History of Our Party Since the Founding of the PRC" adopted by the Sixth Plenary Session of the 11th Party Central Committee and drawing on over 30 years of experience in socialist revolution and construction. In the course of discussion, the consensus is that the "Draft of the Revised Constitution" is the fundamental law of our socialist country which conforms to the Chinese reality and the need for the development of socialist modernization. Upholding the four basic principles as the guiding ideology, it reflects fully the basic interests and common aspirations of 1 billion Chinese people. Some people have called this "Draft of the Revised Constitution" the relatively perfect fundamental law of the land which absorbs and develops the merits of the constitution of 1954 and discards the leftist mistakes and the erroneous leftist influence evident in the constitutions of 1975 and 1978. A jurisprudent said that one of the more prominent features of the "Draft of the Revised Constitution" is an unequivocal reaffirmation of the need to strengthen socialist democracy and the socialist legal system, reflecting fully the aspirations of the people and the demands of the superstructure for the development of the economic base in our country. The

decision to make the draft of the revised constitution available for nationwide discussion is a step forward in bringing into full play the superiority of the socialist system and in upholding the socialist principle of making the people masters of their own country. The decision to make the draft available for nationwide discussion also provides a forum for the people to manage the affairs of state. As a result of a 3-month nationwide discussion on the draft constitution of 1954, the people throughout the country came up with more than 1.18 million suggestions on its modification and improvement along with queries. By pooling opinions in this way, we produced a relatively perfect constitution in 1954. Even to date, many of its articles and stipulations can be absorbed into the present draft of the revised constitution. Commenting on why the constitution of 1954 won popular support, Comrade Mao Zedong cited the adoption of the method of integrating the ideas of the leading body with those of the masses in the course of its drafting as one of the reasons. The decision to make the draft constitution available for nationwide discussion can also be called an extensive form of education in the social legal system. Through discussion, it is certain that the masses of people will be able to raise their awareness of the need to abide by the provisions of the constitution, and all citizens will be able to strengthen their sense of responsibility as masters of their own country, feeling dutybound to take an active part in the struggle against all unconstitutional activities and to play an effective role in the enforcement of this fundamental law of the land.

Second, in its preamble, the draft of the revised constitution reaffirms the need to uphold the four basic principles, namely, socialism, the people's democratic dictatorship, Marxism-Leninism and Mao Zedong Thought, and the leadership of the Chinese Communist Party. In the course of discussion, the consensus is that these four basic principles constitute the quintessence of the fundamental law of our Republic, and our guiding ideology. With this point in mind, we can move our country in the correct direction. In the course of upholding the four basic principles, a primary task is to uphold the leadership of the Chinese Communist Party and socialism. Historical facts tell us that without the leadership of the Chinese Communist Party armed with Marxism-Leninism and Mao Zedong Thought, the revolution in our country would not have triumphed. Nor would socialism have stood any chance of survival. Of course, by upholding the leadership of the party, it does not mean that the party will never commit mistakes. Although our party made mistakes of all kinds in the past, it has proved itself capable of correcting them, and leading the revolutionary cause to develop anew in the wake of success in correcting its mistakes. Building socialism is a great and brandnew undertaking. As the party and people are groping and moving ahead toward the goal of building socialism, no one can say that it will not commit mistakes of this or that kind again on the road of advancement in the days ahead. But one thing is certain that in fulfilling its pledge to serve the greatest interests of the overwhelming majority of the people, the Chinese Communist Party, in the course of using practice as criterion for testing truth, can work together with the people to sum up experiences, uphold the truth, correct mistakes, constantly improve its leadership and strengthen its fighting power, and push our cause forward.

At present, our country is embarking on a campaign to reform its administrative structure and political and economic systems as a whole in order to overcome the bureaucratic style of work, and increase efficiency, along with three other

campaigns to deal blows to the criminal activities in the economic field as a step in the direction of implementing a sound open-door policy, revitalizing the domestic economy, and building a material civilization; to build a spiritual civilization; to rectify the party's work style. These four interconnected campaigns make up an important guarantee for upholding the four basic principles. We must conscientiously discuss the draft constitution in conjunction with historical experiences and our current practice, so that we can further raise our awareness of the need to uphold the four basic principles.

Third, stipulations on rights and obligations of citizens. A lot of changes have been made in the chapter on the fundamental rights and obligations of citizens as shown in the present draft of the revised constitution. The fact that this chapter has been moved from the rear as has been the case in the previous three constitutions, to the front portion of the draft constitution next to the chapter on the general principle, and that many new articles have been added to it, underscores the great importance the draft constitution attaches to the rights and obligations of citizens. Commenting on the stipulations on the personal freedom of citizens and the inviolability of their human dignity, some people have called this a matter of practical significance at present, saying that the tendencies of destroying a family without any reason, arresting people without warrants, and framing false charges against the innocent must be eliminated once and for all. Although, during the past several years, socialist democracy has prevailed, the socialist legal system has been improved, the party's work style has been rectified and laws have been enacted to guarantee the personal freedom of citizens, many existing problems still need to be resolved. On the other hand, the existence of the fact that such rights have been abused has prompted the drafters of the presently revised constitution to stipulate that the rights of citizens are inseparable from their obligations to the nation, and "in the exercise of his rights to enjoy freedom, no citizen of the PRC is allowed to jeopardize the interests of the state, society and collectives. Nor is he allowed to infringe upon the rights of other citizens to enjoy freedom." In other words, in the exercise of his rights, every citizen must honor his commitment to the society; in enjoying his freedom, no one is allowed to infringe on the right of others to enjoy the same freedom. From the very beginning, freedom is a relative rather than absolute term; no country has ever allowed its citizens to transcend the laws in the name of exercising their right to enjoy freedom. Furthermore, theory cannot be kept out of touch with reality due to the fact that a solution to problems may be theoretically sound in one case but not necessarily valid in another. Take the freedom to strike for example. It appears illogical that workers in our country are not permitted to strike while the freedom to strike is granted in capitalist countries. Actually, it is logical if this theory is explained in conjunction with reality. In the capitalist countries, the means of production are owned by the bourgeoisie or by individual capitalists to be more specific. If workers want to struggle against the capitalists, and hit where it hurts most, they have to strike or suspend production. As a matter of fact, a strike is the most effective method for workers to struggle against the capitalists in countries where the profits from production usually go to the bourgeoisie. But this tactic cannot be applied in our socialist country where the state-operated economy belongs to the state and all its citizens, and the collective economy is owned by a specific group of citizens. In short, they are all property of society. If production is sabotaged, our national economy as a whole will be jeopardized. When the national

economy is jeopardized, every citizen in our country will suffer. Therefore, if any strike materializes, the entire country or nation including striking workers themselves will end up being the biggest losers. For this reason, the argument that workers in socialist countries should be granted freedom to strike is not theoretically sound. If workers in our country want to oppose the bureaucratic practice and protect their rights, they can resort to many effective tactics except for the approach to strike which will have a harmful effect not only on the nation but also on strikers themselves. This is why the original constitutional stipulation granting workers "freedom to strike" has been deleted from the present draft of the revised constitution.

Fourth, the problem concerning the relationship between state organs and people. This is the basic problem that must be resolved through the enactment of the constitution. How this problem will be resolved is bound to have a far-reaching effect on our nation. This problem can be presented in this way: If the leaders who hold the real power are not elected by the people, and if they are allowed to hold such power for a lifetime, the people would find it very difficult to exercise their democratic power. An important improvement in the handling of the relationship between state organs and people is noted in the present draft of the revised constitution, which stipulates that the head of state and chairman of the Military Commission shall be nominated by the National People's Congress, and the premier of the State Council shall be appointed by the head of state and approved by the National People's Congress. These are officials who can be dismissed from office if necessary, and whose tenure is limited to specific terms. In this way, the election system, the appointment system and the tenure system have been amalgamated into a single political responsibility system. In the history of our socialist country, this change in the highest office from the de facto life-tenure system to the limited tenure system is a matter of historical significance and is expected to have a profound effect on the political, economic and cultural life of our socialist country as a whole. In Chinese history, many disasters were closely tied to the life-tenure system of the highest office. Its annulment is significant in two ways: First, it means the imposition of "the retirement system" on permanent office holders whose tour of duty is indefinite; second, it means the imposition of "the limited tenure system" on the elected officials and their appointees. To the second category of office holders, on whom the election regulations or system impose no age limits, the annulment of the life tenure system does not mean forcing them to retire but imposing restriction on their terms. Although the draft of the revised constitution stipulates that the head of state and the premier and other high office holders are not allowed to "hold office for more than two consecutive terms," some people still consider this restriction not rigid enough, suggesting that the term "consecutive" be deleted to read that the head of state, the premier of the State Council and other high office holders "are not allowed to hold office beyond two terms."

Fifth, all citizens should consider as their common virtue cherishing socialism. Article 22 in the draft of the revised constitution stipulates: "The state shall encourage everyone to cherish the motherland, the people, labor, science and socialism." This stipulation in the fundamental law of the land encouraging citizens of the PRC to cherish socialism as a common virtue is a matter of vital significance. Earlier, some people contended that citizenship obligates

them to cherish the motherland, the people and labor but not necessarily socialism while others argued that the common code of ethics may exhort citizens throughout the country to refuse to seek personal gains at the expense of public or collective interests but should not impose any demands that are beyond their reach. Although these opinions are worthy of discussion, we must be aware that in its preamble, the draft of the revised constitution reaffirms the need to uphold the four basic principles plus the requirement for upholding socialism. This is emphasized in the hope that all citizens will abide by the four basic principles as the code of conduct of the highest order and will cherish socialism as a matter of importance. Only in this way can we cherish socialism as a spontaneous desire from the "bottom of our hearts" in response to the demands as provided for in the fundamental law of the land, and further popularize the campaign to cherish socialism and bring it into full play. Although the "observation of the common code of conduct" was mentioned in the three previous constitutions, the important aspect of "cherishing socialism" was missing. The unequivocal stipulation that the state shall encourage everyone to cherish five important virtues including "socialism" as an important aspect of the preamble of the draft of the revised constitution reflects a new and stricter demand on morality at the present new stage of history. To emphasize the importance of "cherishing socialism," some people have suggested that the statement that "the state shall encourage everyone to cherish the motherland, people, labor, science and socialism as common virtues" as contained in Article 22 of the draft constitution be reworded "the state shall encourage everyone to cherish the motherland, people, socialism, labor, and science as common virtues."

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TWENTY-NINTH LECTURE ON DRAFT REVISED CONSTITUTION

OW310152 Beijing XINHUA Domestic Service in Chinese 0033 GMT 26 Aug 82

[Excerpts] Beijing, 26 Aug (XINHUA)--Twenty-ninth lecture on the draft revised constitution: "The Rights and Duties of the Deputies to the National People's Congress."

The National People's Congress is the highest organ of state power and the deputies to the National People's Congress are the glorious emissaries sent to this highest organ of state power by the people to discuss and decide on important state affairs. Therefore, the draft revised constitution particularly accords the deputies to the National People's Congress comprehensive rights to protect their exercise of sublime functions and powers. At the same time, the draft revised constitution also stipulated their bounded duties.

According to the draft revised constitution, the people's deputies primarily enjoy the following rights:

1. The right to submit bills: Deputies to the National People's Congress have the right to submit, according to procedures prescribed by law, legislative bills within the scope of the functions and power of the National People's Congress.
2. The right to address inquiries: During its sessions, deputies to the National People's Congress have the right to put forward bills of inquiry, according to procedures prescribed by law, to the State Council, the Supreme People's Court, the Supreme People's Procuratorate and the ministries and commissions under the State Council which are all under obligation to answer.

This is one way for the organ of power to supervise the administrative and judicial organs.

3. The right to special protection of freedom of person: No deputy to the National People's Congress may be arrested or placed on trial without the consent of the presidium of the current session of the National People's Congress, or when the National People's Congress is not in session, the consent of its Standing Committee; deputies to the National People's Congress shall not be subjected to legal investigation for speeches or votes at its meetings.

The draft revised constitution stipulates the following duties for the deputies to the National People's Congress: They must maintain contact with the masses, listen to and report the opinions and demands of the masses, and, in their own production and other work and public activities, assist in the enforcement of the constitution and the law; they must maintain close contact with the units which elect them and with the people, and are subject to the supervision of the units which elect them.

The draft revised constitution stipulates that the electoral units have the power to replace the deputies they elect at any time through procedures prescribed by law. This stipulation is designed to ensure that the people are the masters and that the highest organ of power is truly an organ representing the people's interests and aspirations.

CSO: 4005/1263

PARTY AND STATE

THIRTIETH LECTURE ON DRAFT REVISED CONSTITUTION

OW010449 Beijing XINHUA Domestic Service in Chinese 0258 GMT 27 Aug 82

[Text] Beijing, 27 Aug (XINHUA)--Thirtieth lecture on draft revised constitution: "The State Council's Nature, Functions, Powers and Leadership System."

The State Council of the People's Republic of China is our country's central government. According to the stipulations of the draft revised constitution, the State Council's nature should be understood from two aspects.

First, it is the executive organ of the highest organ of state power. This is to say that the many laws, decrees and other decisions formulated and adopted by the National People's Congress and its permanent organ--the NPC Standing Committee--are all to be implemented by the State Council which assumes unified responsibility, and that the administrative measures the State Council prescribes, the administrative statutes it formulates and adopts and the decisions and orders it issues must be based on the constitution and laws and decrees adopted by the NPC and the NPC Standing Committee. The NPC and its Standing Committee have the power to annul State Council administrative statutes, decisions and orders that contravene the constitution, laws or decrees. From this it can be seen that the State Council exercises what is known as executive power, or administrative power, and works under the leadership and supervision of and is responsible to the highest organ of state power.

Second, it is the highest organ of state administration. In our country, besides the State Council, organs of state administration include the ministries and commissions of the State Council; other organizations directly under the State Council; the people's governments of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures, cities, counties, autonomous counties, municipal districts, towns and people's communes (or townships and nationality townships after institution of the system under which government administration and commune management will be separated); and the work departments of people's governments at various levels. The various ministries, commissions and organizations directly under the State Council as well as the local people's governments at various levels and their work departments are

all responsible for administrative work within limits under the unified leadership of the State Council. All local people's governments at various levels are organs of state administration under the unified leadership of the State Council and are subordinate to the State Council.

According to stipulations of Article 86 of the draft revised constitution, the State Council is composed of the premier, two to four vice premiers, a number of commissioners of state, the ministers, the chairmen of commissions, the chief auditor and the secretary general. The number of vice premiers has been reduced to a minimum making the State Council's leadership more centralized, capable and strong.

On the State Council's functions and powers, the draft revised constitution on the one hand restores the reasonable, relevant provisions of the 1954 constitution and on the other hand, makes certain additions based on the needs of the new period, thus expanding the State Council's functions and powers. For example, the leadership and administration in science, physical culture, family planning, civil affairs, judicial administration, public security and procuratorial work; the formulation and approval of administrative statutes based on the constitution, laws and decrees; the stipulations concerning duties, rewards and punishment; the stipulations concerning the enforcement of martial law; and so forth are all added anew. The expansion of the State Council's functions and powers is aimed at improving the administrative system.

The State Council applies the system of decision by the premier. The ministries and commissions apply the system of decision by their respective ministers or chairmen. This is an important stipulation in the draft revised constitution which is different from past constitutions. Judging from the actual conditions of our organs of state administration, for many years government organizations have been characterized by overlapping and overstaffed offices, a dilatory attitude toward work and low efficiency. In a sense, this reform in the State Council leadership system is also a part of the revolution to restructure the administration, and it is aimed at strengthening the leading capacity and work efficiency of the State Council and its ministries and commissions. In short, the institution of the system of decision by the premier and decision by the ministers and chairmen is to meet the requirements of the four modernizations. It is an important reform in the country's highest administrative leadership system and will surely have a positive effect on future work.

CSO: 4005/1263

PARTY AND STATE

THIRTY-FIRST LECTURE ON DRAFT REVISED CONSTITUTION

OW010451 Beijing XINHUA Domestic Service in Chinese 0056 GMT 28 Aug 82

[Excerpts] Beijing, 28 Aug (XINHUA)--Thirty-first lecture on draft revised constitution: "The Organization, Functions and Powers of Local People's Congresses at Various Levels."

In order to strengthen local people's congresses at various levels, the draft revised constitution has included some important new stipulations, pointing out that people's congresses and people's governments are established in provinces, municipalities directly under the central government, counties, cities, municipal districts, townships, nationality townships and towns. This stipulation indicates that China's local state power is basically exercised at provincial, county and township level.

According to the stipulations of the draft revised constitution, the local people's congresses at various levels are local organs of state power, composed of deputies elected by the electoral units or electorates. Deputies to the people's congresses of provinces, municipalities directly under the central government, and cities divided into districts are elected by people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns are directly elected by the voters. The draft revised constitution has reaffirmed the provision of the electoral law that the deputies to the county-level people's congress are directly elected by the voters. This is a reform of great significance. It shows that the broad masses of voters at county level in China can personally elect those with whom they are satisfied to become their deputies to manage state affairs and exercise their right to become masters of their own destiny. It has further improved China's election system and indicated that the broad masses of voters at the county level can directly and effectively supervise the county-level state organs and their functionaries, so that the state organs at the county level can do a still better job in maintaining close ties with the masses, overcoming bureaucracy and raising work efficiency.

As seen from the stipulations of the draft revised constitution, the local people's congresses at various levels have the following functions and powers:

1. In their respective administrative areas, they insure the observance and implementation of the constitution, laws, decrees and general administrative statutes.

2. Within the limits of their authority as prescribed by law, they adopt and issue decisions, and examine and decide on plans for local economic and cultural development and for public utilities.

3. They elect, and have the power to recall, provincial governors and deputy provincial governors, mayors and deputy mayors, county heads and deputy county heads, district heads and deputy district heads, township heads and deputy township heads, and town heads and deputy town heads, according to their corresponding level.

All these stipulations are conducive to bringing into full play the initiative from both central and local levels and to quickening the pace in developing the cause of socialism.

In order to meet the needs of developing the current four modernizations program, the draft revised constitution stipulates that standing committees are established in the local people's congresses at and above county level. They are each composed of a chairman, vice-chairmen and other members elected by the people's congress at the corresponding level, and are responsible and accountable to people's congresses at such levels.

The practice, within a short period of a few years, can prove that this stipulation is quite necessary. Such an organ will help make timely decisions to handle routine, but comparatively vital, major issues. At the same time, such an organ will also be conducive to strengthening local state powers at and above county level.

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PARTY AND STATE

THIRTY-SECOND LECTURE ON DRAFT REVISED CONSTITUTION

OW010452 Beijing XINHUA Domestic Service in Chinese 0110 GMT 29 Aug 82

[Excerpts] Beijing, 29 Aug (XINHUA)--Thirty-second lecture on the draft revised constitution: "The Position, Composition, Functions and Powers of the Organs of Self-Government of National Autonomous Areas."

The draft revised constitution stipulates that regional national autonomy shall be implemented in areas where persons of minority nationalities live in compact communities and that the organs of self-government shall be established to exercise the right of national autonomy. This provision, reflecting our country's consistent nationality policy, shall further mobilize the enthusiasm of various minority nationalities in taking part in the political life of the state, as well as in socialist construction, thereby promoting unity among nationalities and the prosperity and unity of the country.

The organization of the organs of self-government of national autonomous areas in our country at present is in the form of people's congresses and people's governments. To strengthen the personnel of nationalities, the draft revised constitution especially stipulates that the chairman of autonomous regions, heads of autonomous prefectures and heads of autonomous counties shall be persons of the nationality or nationalities exercising regional autonomy in those areas. The state shall help the national autonomous areas train large number of cadres from among local nationalities at all levels and various types of specialized personnel and technical workers.

According to the draft revised constitution, the powers of national autonomy of the organs of self-government of national autonomous areas shall primarily cover the following aspects:

1. The power to draw up statutes governing the exercise of autonomy as well as separate regulations.
2. The power to administer the finances of their areas.
3. The power to administer the economic construction of their areas.

4. The power to administer public welfare projects--education, science, culture, public health and physical culture--in their respective areas and the power to take charge of and protect the national cultural heritage, develop good cultures of the nationalities and help them to flourish.

5. The power to organize their public security forces.

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THIRTY-THIRD LECTURE ON DRAFT REVISED CONSTITUTION

OW010455 Beijing XINHUA Domestic Service in Chinese 0740 GMT 29 Aug 82

[Excerpts] Beijing, 29 Aug (XINHUA)--Thirty-third lecture on the draft revised constitution: "The Reinstatement of Grassroots State Power Organs in the Countryside and Its Significance."

Grassroots state power organs in the countryside are the fundamental organization of state power of the people's democratic dictatorship in our country. Strengthening grassroots state power in the countryside is of importance in consolidating the people's democratic dictatorship, in promoting higher socialist democracy and in enforcing closer ties between these state organs and the masses. It is precisely due to this need in our country that the draft revised constitution provides for the reinstatement of township state power, the establishment of the township people's congress and the people's government and the separation of grassroots state power from the people's communes.

Practice shows that the establishment of grassroots state power should be in keeping with the principle that the masses could easily exercise it and make it an instrument, with a broad mass basis, which could enforce closer ties with the masses and reflect, expeditiously and correctly, grassroots opinion and aspirations.

While providing for the establishment of township state power, the draft revised constitution stipulates that the people's communes should be retained as collective economic organizations. The people's communes, as collective economic organizations in the countryside, have been playing an important role in organizing and developing production since 1958. By separating government administration from commune management, thus making the people's commune purely collective economic organizations, we shall be able to concentrate our energies on organizing and developing production and, at the same time, overcome the shortcomings of directing and interfering with production administratively, thereby giving full scope to mass enthusiasm for production. Some people also said that the separation of government administration from commune management would help to break down administrative barriers and set up and develop cooperative economy in many forms to guide production towards socialization and specialization.

According to the stipulation in the draft revised constitution, the separation of government administration from commune management only takes out the commune's functions and powers as state power organs. The ownership of communes', production brigades and production teams enterprises, and property, remains unchanged.

CSO: 4005/1263

PARTY AND STATE

ARTICLE SURVEYS CONTINUED EXISTENCE OF CLASS STRUGGLE

Shijiazhuang HEBEI RIBAO in Chinese 23 Jun 82 p 4

[Article by Li Baoping [2621 0202 1627]: "Why Class Struggle Still Exists Under the New Historical Condition"]

[Text] The party Central Committee and the State Council explicitly pointed out in the "Resolution on Cracking Down on Serious Economic Criminal Activities" that: "cracking down on serious economic criminal activities is an important manifestation of class struggle in the economic domain under the new historical condition in our socialist society." Why is there still class struggle under the new historical condition?

First, in our country, although the exploiting class as a class has been abolished, it does not mean that under the new historical condition there is no longer anyone who adopts a hostile attitude toward socialism. On the contrary, elements of one kind or another who are hostile to socialism still exist. It is still possible that they engage in various kinds of destructive activities in political, economic, ideological as well as in cultural fields. This is an important reason why it is still possible for class struggle to exist to a certain extent for a long period of time under the new historical condition. The practice of struggle since the Third Plenary Session of the 11th CCP Central Committee proves that elements of one kind or another who are hostile to socialism are really in existence. Among them, there are not only the dregs of society such as hooligans, swindlers, profiteers and speculators and those who have been released after serving their terms but persistently engage in criminal activities; but also there are active counterrevolutionaries like Wei Jingsheng [7614 0079 3932] who maintain illicit relations with foreign countries and betray the top secrets of the state, and still other "moths in society" like Wang Shouxin [3769 1343 0207] who unscrupulously engage in activities of graft and embezzlement by relying on their power and position. Under no circumstances can we underestimate the destructiveness of these people who are hostile to socialism, nor can we lose our vigilance.

Second, in our country, although the exploiting class as a class has been abolished, it does not mean that the ideology of the exploiting class has disappeared at the same time. Our revolutionary teacher, Lenin, explicitly pointed out long ago that it is impossible to put the ideology of the exploiting class into a coffin and to bury it together with the exploiting class itself. In view of

the relative independence of ideology, it may require the unswerving struggle of several generations to abolish the influence of the ideology of the exploiting class. This is another reason why class struggle can still exist to a certain extent for a long period of time.

Third, when we say that the exploiting class as a class has been abolished in our country, it is under the prerequisite that the province of Taiwan is not included. At present, Taiwan has not yet been restored to the motherland, therefore, different international social systems are in coexistence. This is still another reason why class struggle may continue to exist for a long period of time under the new historical condition in our country.

As early as the eve of liberation of the entire nation, Comrade Mao Zedong exhorted the whole party to guard against the corrosion by the ideology of the capitalist class and to prevent a surprise attack by the "sugar-coated bullets." During the initial postliberation period, the movement "against the three evils" and "against the five evils" was a major counterattack we launched against corrosion by the ideology of the capitalist class. However, anticorrosion is a protracted struggle which cannot be accomplished by one or two campaigns. At a later time, owing to the fact that the guiding ideology deviated to the "Left" especially during the "Great Cultural Revolution," the demarcation line was obscured and the struggle against corrosion was unable to be continuously carried out along a right path. Since the time when we have adopted an open-door policy to foreign countries and engaged in reactivating the economic policy in our country, the influence of the decadent Western capitalist ideology and the way of life of the capitalist class has increased in our country because our ideological work and some of our administrative measures failed to keep abreast of the situation. As a result, the remaining influence of the ideology of the exploiting class seized the opportunity to spread, therefore, struggles for and against corrosion have become increasingly conspicuous. Over a certain period of time, criminal activities in the economic domain have obviously increased. Serious criminal activities including large-scale smuggling and traffic in smuggled goods, graft and bribery, speculation and swindling, and stealing of state and collective properties shocked people. The case of a means of production service company in the Handan Prefecture in our province is a typical example of speculation and profiteering.

Practice proves that struggles which are either for or against corrosion are important manifestations of class struggle under the new historical condition. The decadent ideology and the way of life of the capitalist class are now corroding our contingents of cadres, damaging the body of our party, poisoning the thought of the people, and contaminating the mood of society. If we fail to catch sight of such an acute class struggle and treat it with indifference, or do not adopt effective measures to crack down resolutely and forcefully on serious economic criminals and to eliminate conscientiously certain corrupt phenomena within our party, but allow it to spread unchecked, the result will be dreadful to contemplate. This is a major issue which has a bearing on the success and failure of the cause of the construction of the socialist modernizations in our country and on the prosperity and decline and the rise and fall of our party and our country.

Our party has grown up in struggles both for and against corrosion. In the past, we have more than once resisted the surprise attacks of the "sugar-coated bullets," smashed the furious attacks of the capitalist class and thus preserved the purity of our party. The practice of struggle tells us that the corrosion of and attack from the capitalist ideology are not fearful and the key lies in the fact that we must have a sober mind, keep up the firm stand of Marxism, and preserve the communist purity of a communist party member. Only when we can achieve this goal can we stand up to any trials in the intricate struggles and strive for victories in this anticorrosion struggle.

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PARTY AND STATE

COUNTY LEVEL STANDING COMMITTEES SHARE WORK EXPERIENCE

Taiyuan SHANXI RIBAO in Chinese 20 Jun 82 pp 1, 3

[Article by Zhu Chunnian [4376 2504 1628] and Ma Wancheng [7456 8001 4453]:
"County Level Standing Committees of Shanxi Exchange Work Experience"]

[Text] The standing committee of the provincial people's congress held a symposium from 15 to 19 June in Taiyuan to sum up and exchange work experience of all county (municipal, prefectural) standing committees since they have been set up one after another over the past 2 years in order to give better play to county standing committees which are considered organs of power of the local people.

A total of more than 150 people were present at the symposium, including chairmen or vice chairmen of all county (municipal, prefectural) standing committees including Datong Municipality, leading cadres of all prefectural party committees and party committees of 3 municipalities including Taiyuan and 3 counties (prefectures) including Linfeng where standing committees have not yet been set up. Persons in charge of units directly under the provincial government also attended the meeting.

Chairman Ruan Bosheng [7086 3124 3932] and Vice Chairman Jiao Guonai [3542 0948 7845], Feng Sutao [7458 4790 7118], Ren Yinglun [0117 2503 0178] and Chen Sigong [7115 1835 1872] attended and presided over the meeting.

Principal leading cadres of the provincial party committee and the provincial government including Huo Shilian [7202 1102 1670], Luo Guibo [5012 6311 3134], Li Ligong [2621 4539 0501], Ruan Bosheng, Wang Tingdong [3469 1694 2767], Wang Kewen [3769 0344 2429], Zhao Yuting [6392 7183 0080], Guo Qinan [6753 2953 1344], Wang Xiujin [3769 4836 6930], Yue Weifan [1471 4850 5672] and Wang Xi [3769 6007] were present and met with all comrades at the meeting. Comrade Huo Shilian pointed out to the comrades that over the past 2 years, the standing committees of people's congresses at all levels have successfully accomplished tremendous work. It is necessary at this symposium to sum up and exchange experience. We must fully understand the importance of the work of the standing committees of people's congresses and work still harder. Governor Luo Guibo said, the standing committees of people's congresses have played a very good role in supervising the work of the government. It is hoped that the supervision can further be strengthened from now on. Comrade Li Ligong in his speech asked party committees at all levels to strengthen their leadership in the work of the standing committees of people's congress, conscientiously to help solve

such practical problems as personnel arrangement, operational funds and office space, and so forth in accordance with relevant directives of the party Central Committee and related stipulations provided for by laws of the state in order to support the standing committees of people's congress to go a step further to do a good job.

The meeting has adopted the method of making typical speeches at the plenary session and holding panel discussions to sum up and exchange experience. Comrade Ruan Bosheng finally made a summing up speech. He made an overall analysis and a summation of these experiences which mainly are:

1. We should realize fully that the standing committees of people's congresses are authoritative organs of power of the people and organizations where people work. To improve continuously the work of standing committees of people's congresses is a key link in building a high level democratic socialist political system progressively. This task is glorious and arduous, but it is absolutely not an organization as what is considered a place for carrying out "idle talk" or for "providing for the aged." Whether we can find a good answer to this question of understanding has become the key to whether we can continue making progress.
2. We should be responsible to convene, at least once a year, a people's congress and make it a success in order to guarantee the exercise of the authority of the organ of state power at the county level. We also must maintain the system of holding successful regular meetings of standing committees in accordance with the stipulations provided for by the law to discuss and decide important matters of each administrative area and to support and supervise the work of the people's government, people's court and people's procuratorate at the same level. It is in this way that the role of the county level standing committees can be brought into full play.
3. The personnel of the government, the court and the procuratorate who should be appointed or removed by the standing committee of the people's congress should be so decided in accordance with the law.
4. Committee members should be organized to carry out inspection work, to strengthen research and study, and to establish the system of keeping in contact with representatives of the people in order to understand fully and reflect the opinions and demands of the masses. Proposals put forward by the representatives as well as letters and visits of the masses must be conscientiously handled. Matters of common concern of the people which are urgently in need of a solution should be settled in time. Maintaining close links with the masses is the basis and foundation for the standing committees of people's congress to work out correct decisions and exercise its authority.
5. We must adhere to the leadership of the party committee. All major activities which the standing committee is going to carry out and important decisions which the standing committee is going to make, or an important situation which has been found through investigation should be promptly reported to the party committee for instruction.

All problems encountered in the work of the standing committee which cannot be solved by the committee itself should be reported to the party committee in time for settlement. In this way, we can integrate handling matters according to law with submitting ourselves to the leadership of the party committee which is the fundamental guarantee of doing a good job in the standing committees of people's congress.

Comrades who participated in the meeting, after a few days of discussions, unanimously felt that they had deepened their understanding of the nature, status and role of the standing committees of people's congresses, learned the method of further improving their work and strengthened their confidence in doing a good job. They have, on this basis, worked out a "Summary of the Symposium on the Work of County Level Standing Committees of Shanxi Province" through pooling the wisdom of the masses and making it a guiding document to carry out our work throughout the province for a certain period of time from now on.

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CSO: 4005/1012

PARTY AND STATE

ATTENTION TO EDUCATION CAMPAIGNS REMAINS TOP PRIORITY

Taiyuan SHANXI RIBAO in Chinese 27 June 82 p 1

[Article: "Communist Education Is the Top Priority"]

[Text] There is a common saying that the first step in anything is always difficult, but it is more difficult to keep it up. The campaign of "five stresses and four points of beauty" is no exception. Recently, there appeared to be low spirits in many places and units where problems of "dirtiness, disorder and poor services" have apparently resurged. Although this is only a minor and local problem, it calls for our attention.

The reason which has caused this phenomenon is related to the fact that some comrades are accustomed to carrying on "a blast of wind" and they do not have the style of working arduously over a long period of time in a down-to-earth manner. They are satisfied with just minor success which leads to a feeling of complacency, and so forth. But the most important reason which has led to this phenomenon is that when the campaign "five stresses and four points of beauty" was being carried out in these places, the political-ideological work was not considered top priority because they saw only material factors without caring for human ones. During "socialist ethics and courtesy month," it seemed in these places and units that it was outwardly on a grand and spectacular scale, but inwardly the part of the kingdom of the old way of thinking remained in the people's minds and was only hit slightly. As time goes on, old things are bound to manifest themselves.

The basic goal of launching the campaign "five stresses and four points of beauty" is to use communist ideology and ethics to educate people, to use communist ideology to triumph over the corrosion and influence of capitalist ideas, to completely reform the general mood of society, to cultivate new ideas, new ethics and new habits, and to build a socialist spiritual civilization. It is impossible to practice socialism without spiritual civilization. Only by raising the level of political awareness and moral apprehension of the people can we guarantee that the building of a socialist civilization will not deviate from the right path. However, the force of the advanced ideology and morality can, in turn, be transformed into material force in practice and thereby go one step further to promote the building of a material civilization.

In launching the campaign "five stresses and four points of beauty," party committees at all levels must unswervingly and firmly grasp the point of using communist ideology and ethics to educate the broad masses of party members, cadres and the people and put the stress on educating the people ideologically, and on the reform of ideology and world outlook. Through organizing the broad masses of the people to launch such practical activities as the campaign for "five stresses and four points of beauty," learning from the example of Lui Feng, doing good turns for people, and engaging in voluntary labor, and so forth, we can educate them in lively patriotism, collectivism and communism.

At present, the "five stresses and four points of beauty" campaign has achieved initial victory, but this is only a beginning and heavy responsibilities remain on our shoulders. We must not be disheartened or slackened. We are confident that so long as our party can try hard to strengthen its leadership in turning the "five stresses and four points of beauty" campaign into a regular practice and having it institutionalized so that it can last for a long period of time, our people are bound to be educated with ideals, morality, civilization and the habit of observing discipline and thereby open up a new prospect for building the two civilizations.

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CSO: 4005/1004

PARTY AND STATE

PARTY COMMITTEE SETS 10 RULES FOR LEADING CADRES

Beijing RENMIN RIBAO in Chinese 28 Jun 82 p 3

[Article: "Liaoning Party Committee Sets 10 Rules for Leading Cadres:"]

[Text] The Liaoning Provincial Party Committee, for the purpose of carrying forward the party's fine tradition, maintaining close links with the masses and further implementing the "guiding principles," has recently set 10 new rules for leading cadres of the party and government to observe. These new rules are:

Newspapers, radio stations and TV stations do not carry out special propaganda reporting activities of provincial, municipal or prefectural party or government leaders. Activities such as leaders going out to inspect performance of basic level units and visiting the masses should be promoted but usually these activities are not to be made known to the public. Matters which are necessary to publicize must be covered in a practical and realistic way.

No rostrums will be provided for meetings convened within the party. Except the chairman and the speakers, leaders at all levels who are present at a meeting must sit together with comrades who attend the meeting.

Party and government leaders in charge at all levels may participate in some important meetings convened by various departments or people's organizations if necessary, but ordinarily other leading comrades are not advisable to participate.

The term "comrade" should be the common address between upper and lower levels as well as among cadres themselves without exception.

When government or party leading comrades are going out to check up on work, they should not bother organizations to make arrangements for receiving and seeing them off.

When party or government leading comrades are going to participate in mass meetings, they should arrive on time without keeping people waiting.

When party or government leading comrades are going to the basic level units to check up on work, they should not ask units at all levels to assign anyone to accompany them.

When party or government leaders at all levels are riding in a car, they should educate the driver to pay attention to socialist ethics and courtesy.

Arrangement should be made in advance for party or government leaders at all levels to stay at guest houses or hostels when they are away from home. It is not advisable to bother other guests to vacate rooms for them at the last moment.

When party or government leading cadres take meals outside, they should surrender their food coupons and pay for board expenses according to regulations. Under ordinary conditions, local responsible comrades are not to accompany them to meals. Special entertainments are not advisable. Public funds are not allowed to be used for entertainment.

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CSO: 4005/1004

PARTY AND STATE

STUDY, CONCLUSIONS ON EXISTENTIALISM EXAMINED

Symposium Convened

Xi'an SHAANXI RIBAO in Chinese 7 Jul 82 p 2

[Article: "Symposium Held by Shaanxi Province Foreign Philosophy Study Group Points Out That Existentialism Can Only Lead People Astray"]

[Text] On 14 June the foreign philosophy study group of the Shaanxi Philosophical Society convened a symposium on existentialist philosophy and thoroughly probed into what is called existentialism, its basic tenets, the socio-historical origins of its rise to prominence, how to evaluate it, the practical significance of present research on existentialism, and other issues.

Comrades who attended the conference pointed out that existentialism is a bourgeois ideology of the imperialist age. It is the outcome of the crisis in capitalist societies that reached its peak after World War II. The unemployment, bankruptcy, homicides, terror, wars, and upheaval in capitalist societies make people feel that it is impossible to ascertain the course of history and the fate of the individual is uncertain. People live in pain, are worried and uneasy, and often feel the threat of doom. They feel that society, other people, and rationality cannot be relied on, so they turn to the individual, turn to denial, and resort to the irrationality of existentialism. Even though to a certain extent existentialism exposes the evils of capitalist society and expresses the discontent and protests of people, and even though some leading proponents have progressive political tendencies, nevertheless, in its theoretical form existentialism is wrong, unscientific, and typically metaphysical. Existentialism's irrationality, subjective idealism, and metaphysics predetermine that it cannot scientifically delineate the essence, worth, and dignity of the individual. It cannot point out the correct way to the liberation of humanity; it can only lead people astray. This, then, requires that we increase our study of existentialism, draw a clear line between Marxism and existentialism, help our youth to eliminate existentialism's negative influence, and foster a communist world view and outlook on life.

Western Existentialism

Kunming YUNNAN RIBAO in Chinese 25 Jun 82 p 4

[Article by Wang Yongkang [3076 3057 1660]: "How Should the Existentialism of the West Be Regarded?"]

[Text] The various clashing contradictions, fierce competition, capitalist system make many people feel that life is vexing and that it is difficult to control their destinies. What universally concerns people are the problems of individual existence. How should life and society be regarded? How should people live? How can they change the status quo? Existentialism emerged and developed under these circumstances. It is a bourgeois philosophy of life in the waning phase of capitalism. This philosophy emerged in Germany after World War I, spread to France during the time of World War II, and after the war spread to the entire Western world. It has different factions and trends, and the most influential proponent of the modern age was Jean Paul Sartre (1905-1980). Since existentialism discusses problems that people are universally affected by and concerned with, its philosophical viewpoints are often expressed by using fiction, the theater, film, and other popular forms, so those viewpoints are spread extensively and have rather large influence.

Marxism regards the social existence of the individual as the essence of the individual and evaluates the thinking and action of the individual in accordance with the laws of social history to point out the way for the transformation of society. Existentialism is the opposite, wherein it is believed that only by proceeding from the viewpoint of individual existence can all things in the world have meaning. The individual and society conflict with subjectivity and reality, and existentialism advocates the evaluation of social realities by proceeding from the subjective intentions of the individual to seek the way for the transformation of society. Sartre clearly stated that "our starting point in fact is individual subjectivity." So, viewed intrinsically, existentialism is a philosophy of life designed by those people who are only concerned about individual existence and who think that everything around them will submit to their own individual intentions.

What are the characteristics of individual existence? All of the existentialists answer: freedom, absolute freedom. They state that the essence of the individual is not determined and individual lives should not be ordered. Whatever life presents, he, the individual, is only existing and acts in accordance with his own intentions. The self creates a life for the self and it acquires its own essence. The individual alone determines and orders the self. This is the fundamental principle of individual existence. Sartre expressed this principle of individual existence. Sartre expressed this principle as "existence precedes essence" or "the individual is free," and he equated freedom with individual subjectivity.

The huge quantities of works on existentialism strive to portray the individual as not being free in his present life, but just letting various external forces lead him along, passively giving in to life and doing some useless and insignificant things. People feel lonely and worried, life is absurd, the world is an

absurd world, and so on. On the one hand, these works expose and assail the abnormalities, morbidities, and various oppressions of people in present capitalist societies, while on the other hand, they exaggerate the negative outlook on life of the petite bourgeoisie. Those who maintain this outlook view life and society from the point of view of the individual's subjective intentions. Once they feel things are not what they expected and when everything opposes the self, then that state of mind described by existentialism can come into being.

Some existentialists emphasize that the individual must act on his own and must liberate the oppressed human nature and establish a humanistic society. They say that the social environment admittedly has many controlling forces, but in the end all actions of the individual will ultimately be determined by the self. Life lies in the choice, and each individual earnestly and responsibly chooses his own actions not only to create a life where the self conforms to humanity, but also to create a starting point for transforming reality and propelling society forward. This is what Sartre called the "truly revolutionary foundation." Existentialists do not recognize the state of individual existence as being determined by social and economic systems, so they do not analyze class conflicts and oppression brought about by a capitalist system to point the way to socialist revolution. They proceed from individual subjectivity and indiscriminately protest against all external forces that oppress the individual. If something opposes you break away from it, confront and challenge it to show the intention of the self. In short, the self must control the self on its own. This proposition of free choice is a so-called protest against social reality. It leads people to their respective wars and personal struggles, but cannot form the integrated force to attack the crucial points of the capitalist system. It certainly cannot make individual lives free, happy, and dear, and most certainly cannot improve society's status quo to any extent. The existentialism that stresses individual freedom is basically such that it arouses to action people's hopes and pursuits in life. However, it is also disappointed and pessimistic about the plight and future of mankind and thus falls into a vicious circle from which it cannot escape. From this it can be seen that the existentialism that deviates from socio-historical conditions and ponders the individual abstractly and in isolation, even in Western capitalist societies, cannot correctly answer the fundamental questions of those concerned with finding a realistic path to the liberation of the individual, and it certainly cannot talk about a scientific world outlook, philosophy of life, and sense of worth. In a socialist state such as ours it can only play a negative role, which is, namely, that in our world outlook it can lash out at Marxism, in political attitudes can foster dissension within the party, and in morals and ethics can cultivate individualism. Can the truth of life be here?

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CSO: 4005/1061

PARTY AND STATE

BRIEFS

CHEN WEIDA RECEIVES SPORTSMEN--On the occasion of the fifth Tianjin municipal sports meet, yesterday afternoon Chen Weida, first secretary of the municipal CPC committee, and Bai Hua, standing committee member of the municipal CPC committee and municipal deputy mayor, received some of the fine sportsmen and representatives of sportsmen returning triumphantly from the first national sports meet for college students. [Text] [SK250858 Tianjin City Service in Mandarin 0030 GMT 25 Aug 82]

STRENGTHENING PARTY DISCIPLINE--In the ideological field, the struggle between the proletariat and the bourgeoisie and other exploiting classes is endless. If we slacken our efforts in reforming our world outlook, the decadent ideology of the exploiting classes will seize the opportunity to infiltrate. (Wu Deyou's) degeneration from being a veteran cadre and CPC committee secretary of a neighborhood committee to an economic criminal is a serious lesson. Since the third plenary session, we have adopted a policy of opening up to the world and enlivening domestic markets to accelerate socialist modernization. However, the ban of party workstyle and discipline must not be lifted. On the contrary, it should be strengthened greatly. Communist party members and revolutionaries who devote all their life to the communist cause should all the more uphold the four basic principles, resist the corrosive influence of the capitalist decadent ideology and be clear-headed Marxists. There is no impassable chasm between a revolutionary and a criminal and between a hero and a sinner. We hope those who still indulge in the capitalist debauchery and cannot distinguish right from wrong will draw a lesson from (Wu Deyou's) case, wake up immediately and keep in step with the changing times. [Text] [SK300959 Hohhot Nei Monggol Regional Service in Mandarin 1100 GMT 29 Aug 82]

CSO: 4005/1266

SOCIOLOGICAL, EDUCATION AND CULTURE

ROLE OF SELF-EXPRESSION IN LITERATURE DISCUSSED

Entering New Era

Shanghai WEN HUI BAO in Chinese 22 Jun 82 p 3

[Article by Liang Yongan [2733 3057 1344]: "Let 'Me' Enter a New Era--On 'Self-expression' in Literature"]

[Text] In the last year, discussion of the question of "self-expression" in literary works has spread from poetry circles to the entire literary world. The essence of this matter lies not in whether or not the self should be expressed in literary works, but rather relates to whether or not, after all, literary works need to express profound social issues, whether or not they need to reflect forcefully on our new era.

A literary work does not exist in a "selfless environment," but is a specific reflection of social life. Differences in the ideologies, dispositions and artistic cultivation of writers bring forth different creative personalities. Because of this, literary works cannot depart from the author's "me," but this "me" includes vast social and historical elements. However, in recent years, some comrades have nonetheless felt that literary works can express a kind of "naked self." In this view, writers do not need to enlarge life, the social historical component of literary works is at best a form of expression of the author's feelings, and the author's pure subjective feelings are the true object of artistic expression. In line with this idea, works that advocate so-called "self-expression" have appeared among literary creations. For example, beyond a fragmented hallucinating, some poems and songs fail to reach the basic sentiments of things; some novels satisfactorily express the confused morality of the authors, but do not and can not reveal a persuasive philosophy of life in their portrayal of it. Some authors even say: "A blue handkerchief falling from a rooftop has similar deep significance, lending a splendid radiance to ordinary glass objects." And some critics even heap praise on authors who do not reflect life in the new era and who fail to portray the courageous struggle of the people and their selfless labors. This actually encourages authors to drown in their own small worlds, continually to make empty cries, offer perplexity and sigh wearily in their own subjective circles. Many comrades have criticized this, indicating that the importance of allowing the "self" to return to a broader life lies in its positive practical significance.

The problem of "self-expression" in literary works is not solely based in the literary creation of years, but has specific historical causes. In the 10 years of unrest, the people spiritually endured great hardships; their understanding gained through experience consistently increased and their reflections on society and life gained depth daily. But, at that time the "class struggle" which placed distance between people made people afraid to expose themselves, let alone express themselves in literary works. Only in a period of renewal could a group of youths, embracing a passionate desire to link the hearts of people, march into literary circles and sing of the secret of dissolving life within the heart. But, some comrades one sidedly explain this historical phenomenon by extending it to suggest that the author's subjective sensations are the only thematic conclusions in literary works. They take "self-expression" to an extreme, and we must be alert to this.

In our period of historical twists and turns through violent change, there appeared in the literary realm a variety of complicated phenomena. This is common in the literary history of all times and places. For example, after the October Revolution in Russia, a similar thing happened in their literary world. The "self-expression" concept presently appearing in the literary circles of our nation is an echo of an anguished past and is a probing of the future. It has its dispirited dark shadows and displays the courage of pursuit--it is full of intense internal contradictions. Because of this, only by encouraging authors to enter into the new era with its rising difficulties can we turn the dispirited into startled awakening and make their pursuit more realistic. If we forget this, and fail to move ahead into open country, then our literary creations will be weak and pale.

Perhaps some people are worried that encouraging authors to face the times will cause some works to become "simple bullhorns of the times." But this is an unnecessary worry. Tolstoy once used the fact of whether or not one could write "fresh things" about life as the important criterion in evaluating a work. These "fresh things," seen from the perspective of objective reality, are new revelations of the beauty of life; seen from the perspective of the expression of the spirit, they are a new feeling about life. Neither of the two can depart from the soil of life. Some comrades look on "self-expression" as being free expression unfettered by life's realities. Doing so would appear, on the surface, to be concentrating the expression of "me," but the objective result is always to blot out "one's own" personality, leading to generalizing and duplication. For example, in one novel, the author describes things such as war, history, religion and romance in order forcefully to express his own understanding and ideas of life and society, and he even fabricates an old Taoist priest on Mount Tai who resides in a modern temple, discoursing on the unity of philosophy, science and religion, so that a person seems to be reading a vague philosophy textbook. I'm afraid we must attribute the reason for this to the author's having departed from the life that he has actually experienced and taken some philosophical ideas that he did not fully understand to be part of "himself," which he then went about expressing.

Not long ago, the elderly author Ba Jin in speaking of his creative preparation said: "I did not prepare to be a writer and then go and read various books and start writing. I gained actual understanding in life and then gave expression

to it." This is very revealing in terms of our literary creation. Life is the objective world which actually exists, while feeling is the spiritual world of the individual. One is concrete, the other abstract, the two being interdependent. We only need our writers to penetrate consciously into life in the new era. Writers who are good at drawing scenes of reality can transform the abstract into the concrete, using their own sensitive vision to search for the new faces and the new contradictions in life; writers who are good at expressing their inner worlds can similarly transform the concrete into the abstract, experiencing new sensations that others have never known and revealing a new spiritual world. Literary creation has a vast arena in real life. Writers should delve into the new era and use their works to make the new age literary creation flourish and to open unprecedented prospects in the realm of literary creation.

Differing Opinions

Shanghai WEN HUI BAO in Chinese 22 JUN 82 P 3

[Article: "Different Opinions on 'Self-expression'"]

[Text] At present, the literary world is carrying out an intense debate focusing on the matter of "self-expression" in art.

Comrades holding a positive opinion of "self-expression" feel: a new aesthetic principle is rising. This new aesthetic principle has an intractable attitude toward our traditional aesthetic concepts. It refuses to be the bullhorn for the spirit of the times, or to express great achievements beyond the world of personal emotions. This new aesthetic principle avoids writing "tales of the experiences of heroic figures, of courageous struggle and of selfless labor to which we are so accustomed."

The majority of comrades do not agree with this and feel:

1. "Self-expression" is an idealist notion of artistic creation. The advocacy of "self-expression" appeared long ago in Western aesthetic and literary theory, the most striking point of which is the taking of "self-expression" to be the theoretical cornerstone of artistic creation. This denies the reality of the objective world, believing instead that the only reality is that of the writer's subjective world. The foundation of this thinking is a subjective idealism which views art as the product of a pure individual spirit. This is the crucial point of "self-expression."

2. "Self-expression" runs directly counter to the needs of the people. This opinion holds that artistic creation is not purely a matter of expressing the "self." In art, the value and role of the "self" does not simply lie in distinguishing the unique feelings, understanding and expression of others. Rather, of more decisive significance is the matter of whether or not the expression of the writers own feelings includes a historical component with universal social significance, whether or not it strikes a chord with the thoughts, feelings and desires of the people. If the products of art cannot satisfy this need of the people, and purely give expression to "one's own emotions," and if these emotions are incompatible or totally at odds with the desires and the likes and dislikes of the people, then what value and vitality can this art of "self-expression" have?

3. "Self-expression" is a reflection in art of the tendency toward liberalization. Some people feel that "self-expression" is a complete theory of subjective creation replete with its utopian coloring. The special characteristic of this theory of "self-expression" is its indifference to society and to the masses and its rejection of revolution and social obligation. Therefore, advocacy of "self-expression" is actually advocacy of the separation of the individual from society and the people.

In addition, a small number of comrades do not really completely reject the advocacy of "self-expression." They feel that it is basically wrong to take "self-expression" to be our creative banner, but without expression of the self, there can be no truly moving art. Only when the artist's expression of self is in perfect harmony with the demands of the masses and with historical development, and at the same time is a profound reflection of the times, can the artist create a work of true value.

Defense of Self-Expression

Shanghai WEN HUI BAO in Chinese 22 Jun 82 p 3

[Article by Sun Naixiu [1327 0035 0208]: "'Self-expression' Should Not Rashly Be Denied"]

[Text] Recently, some comrades have presented their ideas concerning the matter of literary "self-expression," and expressed negative attitudes while looking at the matter from different angles. This is an important question of literary theory and creation and should be handled carefully.

The expression of "self" in literature and the commonly understood expression of "self" in daily life are two separate notions. In literature, expression of self, or expression of individuality, indicates the expression in his work of the writer's thoughts, feelings and creative personality. This is a matter of aesthetics. For example, the poem "Tian Gou" ["Dog of Heaven"] by Guo Morou touchingly expressed the author himself; in works like "Kuangren Riji" ["Dairy of a Madman"] by Lu Xun and "Jia" ["Home"] by Ba Jin, the personalities and emotions of the writers themselves seeped into the works to differing extents--images of individuality were used to express with depth the authors' resentment of and resistance to life.

We can see that literature can and should express individuality and self. But, we should question more deeply: does this artistic form reflect the depth and breadth of society; and, after all, how much of the times does it connote and how much depth of life does it possess? The question is really not whether or not the self or individuality should be expressed, but is how the self or one's personality should be expressed, how one should endow the individual form of self with deeper social significance and relevance to life, seeing that it has depth and richness and is now shallow and anemic. The "I" in "Kuangren Riji" displays the historical course of a Chinese youth on the eve of the May 4 Movement as he moves from a seeming state of near psychological collapse to a spiritual awakening; and the "I" in "Tian Gou" intensely expresses the blazing spirit of the time found in a generation of youths that had awakened. These forms of self are individual and yet are of a type; are social and yet are artistic. Because of this, they achieve a unity of socially historic significance and artistically aesthetic qualities and have become images of success in literary history.

Some comrades contemptuously reject the literary tide of "self-expression" in Western literary history and, moreover, negate modern literature in one fell swoop. This shows a lack of the historical materialist depth of vision. Expressing individuality and the self is a historical tide in the history of the development of Western literature. This literary development and the development of European society--and with it the continued liberation of man and the continued development of his individuality--are two sides of the same coin, intimately connected. We know that, under the 1,000 years of feudal rule by divine right in the Europe of the Middle Ages, in reality man had no position. Therefore, it was impossible for this form of expressing the self and one's individuality to hold any sway. Only at the end of the Middle Ages was man's self-consciousness, as if awakening from a long dream, able to discover "man," to discover self. This was a glorious dawning in the history of mankind; it was a great beginning to the cultural renaissance and historical progress; and it was absolutely not, as some comrades sum it up, the product of a negative tide of romanticism. Man's feelings of alienation which are part of modern and contemporary capitalist society and two world wars have left the people with spiritual wounds and have led to the appearance of modern literature. How should mankind achieve the development of individual personality and self? In what way can mankind achieve its own freedom and prosperity? This is the profound meaning contained in the bizarre and motley array of modern literature. The current of this literature is certainly not, as some comrades suggest, an ultra individualist literary phenomenon. In short, the expression of self in Western literature, the literary current of expressing individuality and the progressive social and ideological tides that have opposed feudalism, dictatorship and capitalism have always been as two sides of a single coin, a flesh and blood relationship. This literary tide reflects the historical course of mankind's march toward freedom and liberation. To write off or disregard the literary value and social significance of this literary tide is inappropriate.

Literary "self-expression" has yet another layer of important significance, namely that it requires a writer to have his own creative personality. An author should express the spirit of the time and also display artistic innovation. Regardless of whether it is in ideological understanding, in mood and feeling or in artistic techniques, he should present his own fresh approaches. The originality of his work is merely a reflection of the independence in his personality. Writers must stand in a forward position in social life and, through their own original thinking, sentiments and writing style, express the ideological tides, psychology and styles of society. Some people interpret "self-expression: very superficially. They feel that an ordinary self can sing the profound and involved melody of the times, and because of this, they separate the self from the times and the people. And, while being bent on singing their own tunes to their own miniscule souls, they produce a few mediocre and inferior works. This sort of thing has been common throughout the long history of literary development. We certainly cannot reject "self-expression" because of this. Of course, a writer should have his own lofty character and should endow his literary individuality and self with deep social significance and rich artistic and aesthetic values. Only this kind of writing can win a realistic and historic position and can display an aesthetic value.

SOCIOLOGICAL, EDUCATION AND CULTURE

LITERATURE, ART SHOULD SUPPORT SOCIALISM

HK271244 Beijing BEIJING REVIEW in English No. 34, 23 Aug 82 p 3

["Notes From the Editors" column by cultural editor Xin Xiangrong: "Literature and Art and Politics"]

[Text] Why have you changed the slogan "Literature and art serve Politics"?
[Sentence published in boldface]

From the 1920's to the beginning of the 1950's, China was constantly engaged in revolutionary wars. During that period, people focused all their attention on politics (war is the continuation of politics). In that context, it was natural to subordinate literature and art to politics, as was expressed in the slogan "Literature and art serve politics." This had been the catchword until the end of 1978 when the Chinese Communist Party suggested that the period for launching nationwide mass movements was over and the focus of work should be shifted to socialist modernization. The great changes in the domestic situation made it possible for us to re-examine this slogan.

In the spring of 1979, the Party Central Committee pooled the opinions of the literary and art workers and put forward a new slogan, "Literature and art serve the people and socialism," to replace the old. A consensus has been reached after repeated discussions over the past few years that the new slogan not only tallies more with the current situation, but literature and art.

The reasons are:

(1) One question raised concerning the first slogan was: If literature and art serve politics, what does politics serve? Politics is not something that stands above everything else, such as philosophy, education, science and literature and art. This is because politics is not the aim but a means, and a very important one, to achieve the aim. Our aim is to serve the interests of the people. Politics will remain on the right track only when it subordinates itself to the interests of the people by meeting their material and intellectual demands. Socialism represents the fundamental interests of the people, therefore, serving socialism is also serving the people. Thus, the new slogan indicates the ultimate goal of literature and art in the socialist period.

(2) Literature and art are a kind of mental creative work. Their products are aimed at satisfying the intellectual needs of the people--the needs for enlightenment, inspiration and education. But people also need art and literature for aesthetic appreciation, recreation and relaxation. It is ridiculous to demand that all landscape paintings, lyric music or dance have a political content. Obviously, the slogan "serving politics" cannot include literary and art works that enrich people's life in many other ways. On the other hand, the saying "Serving the people and socialism" implies a much wider scope.

(3) The slogan "Literature and art serve politics" tends to simply restrict literary and artistic endeavours to the constantly changeable limitations of politics and policies, and leads to inappropriate political interference in literature and art. For many years, this slogan was exaggerated and considered absolute. Writers were asked to serve political movements or political tasks unconditionally. The result was a lack of variety in the theme for literary creations and abstract and formalistic expressions in art forms.

(4) There might be mistakes in politics. No political party or individual is immune from mistakes. In fact, there has never been such a thing as one hundred percent correct proletarian politics. If political errors occur, they should be corrected according to the interests of the people. And the people have the right to lodge their criticisms.

The drawbacks of the slogan "Literature and art serve politics" become even more obvious when literature and art are asked to serve incorrect politics. Under such circumstances, writers find it hard to be faithful to reality. They have to use their works to prove the correctness of such politics. Indeed, such things happened in literary and art creations after the founding of new China.

We advocate that the main trend of literary and art works should support socialism and the people's interests and should present the spirit of the times. But we agree that there are also other literary and art works which are needed by the people.

CSO: 4000/182

SOCIOLOGICAL, EDUCATION AND CULTURE

HEBEI EIGHTH CYL CONGRESS OPENS 23 AUG

HK010933 Shijiazhuang Hebei Provincial Service in Mandarin 0400 GMT 24 Aug 82

[Summary] The eighth Hebei Provincial CYL Congress opened in Shijiazhuang Municipality on the morning of 23 August. "The main tasks of the congress are to mobilize the CYL members and young people to strive to serve as a brave shock brigade in creating socialist modernization, to bravely stand in the forefront of the times and to struggle hard to achieve the lofty objective of the party."

Some 1,000 delegates, representing 2.3 million CYL members throughout the province, are attending the congress. Gao Yang, Liu Bingyan, (Zhang Xingguang), Wang Zheng, Guo Zhi, Yin She, Zhao Yimin, Liu Ying, (Ye Zhongtai), (Xie Feng), Wang Dongning, Lan Kaimin, Li Feng, (Li Yongjin), Hu Yi, (Xu Peijin), (He Chi), Quan Zhemin, Ding Tingxin, Ma Zhuozhou, Zhang Xiaodong, (Pei Jiling) and Bai Yun, responsible comrades of the provincial CPC committee, the provincial people's congress standing committee, the provincial government and the provincial CPPCC committee; and responsible persons of relevant departments at the provincial level are also attending the congress. (Feng Wenhai), executive chairman of the presidium of the eighth provincial CYL congress, presided over the opening ceremony. (Wu Zhenhua), a member of the presidium, delivered the opening speech, saying that since the seventh provincial CYL congress in 1978, the provincial had achieved outstanding results in CYL work and many advanced models had emerged. On behalf of the provincial CPC committee, Zhao Yimin, secretary of the provincial CPC committee, extended warm greetings to the congress and gave earnest regards to all delegates and the CYL cadres, CYL members and young people who are fighting on all fronts. He said: "The tasks which are now confronting us are to implement the line, principles and policies of the party in an all-round way, to concentrate our forces to do well in building material and spiritual civilization and to create a new work situation in Hebei as quickly as possible. The provincial CPC committee hopes that CYL organizations at all levels and all young people will strive to serve as a brave shock brigade in creating a new situation, bravely stand in the forefront of the times and struggle hard to achieve the lofty objective of the party."

In conclusion, Zhao Yimin said: "Our party will soon hold its 12th national congress. The major task of the CYL is to lead the CYL members and young people to struggle hard to fulfill all combat tasks put forth by the 12th party congress."

After Zhao Yimin spoke, entrusted by the seventh provincial CYL committee, (Tong Enhai) made a work report, entitled "Lead the CYL Members and Young People Throughout the Province to Struggle Hard to Create a New Situation of Socialist Modernization in an All-Round Way."

At the opening ceremony, responsible comrades of the provincial federation of trade unions, the provincial women's federation, the provincial federation of literary and art circles, the provincial science and technology association and the provincial military district delivered the speeches of congratulation.

CSO: 4000/182

SOCIOLOGICAL, EDUCATION AND CULTURE

BRIEFS

ISLAMIC INSTITUTE--Beijing, 18 Aug (XINHUA)--The Institute of Islamic Theology of China was reopened recently and 40 students have been enrolled after examination. Lectures will begin next month. The reopening of the institute was announced at the second plenary session of the fourth national committee of the China Islamic Association being held here. The institute, an Islamic higher learning institution, was founded in 1955 and had trained a large group of Islamic professionals during the 10 years before 1966. It was forced to close during the "Cultural Revolution." Since the downfall of the "gang of four" in 1976, China's policy of freedom in religious belief has been implemented. To train young religious professionals, the China Islamic Association at the end of 1980 ran a training course for 31 imams while making preparations for the restoration of the institute. In March this year, 10 Chinese students went to Egypt to study Islamism at Azhar University in Cairo. The group of students was the first sent abroad to study by the China Islamic Association since liberation in 1949. The China Islamic Association has printed 160,000 volumes of the Koran and published Chinese-Arabic bilingual selections of the Koran in the past two years for China's 13 million Moslems. A picture album, "Religious Activities of the Chinese Moslems," has been published and the periodical "Moslems in China" has resumed publication, according to the association. [Excerpt] [OW210147 Beijing XINHUA in English 0708 GMT 18 Aug 82 OW]

CSO: 4000/182

COMMENTS ON DRAFT REVISION OF CONSTITUTION

Hong Kong CHENG MING [CONTENDING] in Chinese No 5, 1982 p 3

[Editorial: "An Initial View of the New Constitution"]

[Text] A new "Constitution of the People's Republic of China" has been drafted. The next steps are popular discussion, passage by the National People's Congress and implementation.

The propaganda machine of the CCP claims that the new constitution is more perfect than the previous three constitutions. Of this, we have no doubt.

In the early days after the founding of the nation, the lines and policies of the CCP were relatively accurate and relatively practical. It was reflected in the first constitution (1954). Establishing the chairmanship of the state, for instance, had a touch of the division of labor between the party and the government, instead of power concentration in the party chairman.

Thereafter, the lines and policies grew ever more "leftwing," and the phenomenon of one-party dictatorship, one-man dictatoeship, became ever more marked. It was reflected in the second constitution (1975). Mao Zedong himself did not want to serve as the chairman of the state, yet feared the emergence of another Liu Shaoqi. Thereupon, the state chairmanship was abolished, thereby leaving no trace of the division of labor between the party and the government.

In the days immediately after the downfall of the "gang of four," the Red Flag brand of the CCP still followed the "leftwing" path, but at a slightly reduced speed. The third constitution in 1978 indicated that the CCP still trod the beaten path and did not abandon "leftism" completely.

Beginning with the Third Plenary Session of the CCP, the lines, principles and policies became more correct and more practical. The new constitution may be called a product of the new lines. Just restoring the state chairmanship and creating the Central Military Commission are

sufficient to illustrate that the new excels the old and the present the past. The constitutional history of 3 plus decades, going through the cycle of affirmation--negation--negation of negation, reflects the vicissitudes of the nation, the weal and woe of the people and the tortuosities of history; it also indicates that the overall situation today is the best since the founding of the nation.

By "best," it is to compare today with yesterday, and with yesterday's yesterday. If measured by the standard of socialist countries, perhaps it can only be said that the current situation is slightly good, not middling good, and far from very good.

Just by looking at the political life, without mentioning other things, the common people, compared with any period in the past, are more "free" in openly discussing national affairs and have no excessive worries about "rightist" and "counterrevolutionary" labels dropping down out of the blue on their heads. However, is this the all of the people's democratic life? No. The reality of the political life in the past several years still falls far short of the goal of the people's democracy and fails to match the name of a socialist state. Here is an example: In the past several years, had the masses enjoyed the full right to supervise the party cadres and had they been able to effectively inform against and impeach the corrupt elements, would so many corrupt officials have emerged among the cadre ranks of the CCP?

The struggle against the phenomenon of corruption and bribery /can only succeed with the help of the masses themselves./ Perhaps the personages who consider themselves true leftists and true Marxist-Leninists will say: "It will be distrusting the party's leadership!" Please calm down, for these were Lenin's words, in "Complete Works of Lenin," Volume 33, page 56. Before he had time to build a mature socialist democracy, Lenin departed forever the world's first socialist state where corruption was still found. However, the experiences summarized by him are still excellent nutrients for his natural disciples and the CCP members. The struggle against corruption and bribery can only succeed with the help of the masses themselves. This should be a truth. It should become the action compass of the CCP.

In the present revised constitution, there are some deletions in the article on the "basic rights of citizens." Like the "four great democracies" which were cut out in 1980, we do not have much opinion on it. We feel that, though the constitution has its importance and necessity, it is, after all, merely something on paper. Compared with something on paper, the things in reality deserve a greater attention. "Citizens have the freedoms of speech, communication, publication, assembly, association, marching, demonstration...." These words were clearly written in the three previous constitutions, yet the people knew that they were only dream flowers. The veiled poems written in Tiananmen Square on 5 April 1976 to express the people's dissatisfaction with tyranny brought a bloody

suppression. Does it mean that the word "freedom" in the constitution is merely a pearl on the royal crown?

Why are the "socialist state" and the socialist democracy actually worlds apart? We feel that one main reason is that certain communists do not trust, or do not much trust, the masses. They are most afraid that the masses will rebel against the bureaucrats and special privileges. Therefore, the people as the masters of the state on paper easily turns into acting as masters over the people, or even tyrannizing the people, in reality.

The new constitution defines the nature of the state as "the people's democratic dictatorship," which is better than "the proletarian dictatorship," and also proves that the suggestion made by this periodical to rename the state system from "the proletarian dictatorship" to "the people's democracy" or "people's democratic dictatorship" was not excessive. We believe that the new constitution contains a greater democratic spirit, but we always feel that:

Practical actions carry much more weight than a 1,000-lb new constitution and its repeated revisions.

6080

CSO: 4005/1149

IMPERFECTIONS IN DRAFT CONSTITUTION DESCRIBED

Hong Kong CHENG MING [CONTENDING] in Chinese No 6, 1982 p 3

[Editorial: "The Big Loophole in the Draft Constitution"]

[Text] The new draft constitution is an improvement over the old constitution (as we have mentioned in our previous editorial). But we still see a big loophole in the new draft constitution, as we have detected in the previous three old constitutions, a loophole that needs to be eliminated!

The Chapter 1: The General Principle, Article 1 of the Draft Constitution states: "The People's Republic of China is a socialist state of the dictatorship of the proletariat led by the working class and based on the alliance of workers and peasants."

The so-called "the dictatorship led by the working class" is actually led by the Communist Party. In reaffirming the "four basic principles," the preamble in the draft constitution emphasizes the exercise of leadership by the Communist Party over the country. This is where the big loophole lies in the draft constitution. "Leadership" is a general term that defies explanation even in our dictionary. Certainly, the same is true of the ambiguous term "leadership of the Communist Party." Although the relationships between the state organs and people, and the functions of the people's congresses, are explicitly stipulated in legal terms in the draft constitution, there is no elaboration on the "leadership of the party."

What is wrong with that?

A big hole up there!

If the "leadership of the party" emphasizes only the provision of ideological and political guidance or guidance in the area of political line, which proves correct or consistent with the people's interests, such leadership should deserve endorsement by all. But if the "leadership of the party" means dictatorship putting everything under its command, or a form of interference in all aspects of life, and if it means putting the party in the place of the government, or the "exercise of dictatorship by a single party" which may become "one-man dictatorship" or "dictatorship under one supreme leader," such "leadership of the party" may probably "lead" the people on the road

toward tragedy and "steer" the country to the abyss of danger. Is it possible to remove the memory of the catastrophic events of 1957, 1958 and 1966 connected with the "leadership of the party" when they made suggestions to the party. Peng Dehuai was falsely accused of forging an "anti-party clique" because he frankly advised Mao on matters of his interest, while the then head of state Liu Shaoqi was jailed by party chairman Mao Zedong for the same reason. There are prominent marks left by the "leadership of the party" of the Mao Zedong era. Although at that time the constitution was in force, taking advantage of its ambiguous provision on the exercise of leadership by the party over the country, dictators and autocrats were able to push their political foes and other people around as they wished under the cloak of the fundamental law of the land. "Leadership," and "leadership," how many wicked men have had their way in your name!

Over the past several years, it appears that the shadow of dictatorship over the heads of the people has begun to fade away under the slogans "uphold the leadership of the party" and "separate the party from the government" emphasized and proposed by the high-ranking members of the CCP Central Committee. Despite this, these senior officials still continue to publicize the Communist Party as the "party in power," while the facts of life in the country also prove that the "leadership of the party" remains widespread everywhere. For example, the Hangzhou Municipal Party Committee recently hurriedly removed a big corrupt official Sun Xiaoquan [1327 2556 3123], director of the Hangzhou Municipal Cultural Bureau, from office after he was found guilty of stealing a large quantity of paintings and cultural relics from the public treasure-house. Handling the Sun case in such a light-hearted manner has infuriated the people. The harm done by the Hangzhou Municipal Party Committee does not stop here! What the committee wanted the people to accept in this case is nothing but an idea that the party can take the place of the government and the court. In the final analysis, can we call this the "leadership of the Communist Party" as indicated in the new draft constitution or the "leadership of the Communist Party" found guilty of violating the constitution?

All intelligent Chinese people can no longer accept the concept of placing the party above the state, the people and the court, and giving it power to trample under foot the democratic rights. This approach to allow the party to take the place of the government, to put everything under its command, and to interfere in all aspects of life will certainly result in further alienating the masses from the party. The Communist Party must draw experiences and lessons from history and make a breakthrough in seeking an answer to the question about the "leadership of the party" in order to solve "its credibility crisis" and enforce rule by law in a true sense.

We believe that the Chinese Communist Party must emphasize the exercise of moral leadership and give up leadership armed with a power baton. What does the moral leadership mean? It means that it must demonstrate extraordinary and unusual firmness, enthusiasm, and exemplary spirit in the implementation of the correct political line, principles and policies it has adopted in consultation with the people (but not behind closed doors) and in the service of public interest, the country and the people. Meanwhile, it must strive to

influence and lead the people through the demonstration of such firm, energetic and exemplary spirit. In a pledge to demonstrate this spirit, the Communist Party must make itself part of the masses (instead of placing itself above the masses), draw lessons and strength from them, and accept their suggestions and supervision. It must return that power baton to the people or the organs of state power.

As seen from the surface, the new draft constitution is devoted to strengthening democracy and rule by law, and working against the tradition of concentrating all powers on the party. But only after the relationships between the party and the government and between the party and the masses are clearly reflected in the constitution along with the belief that the people and the state are more valuable than the party can the constitution be protected from becoming a camouflage of autocracy and be converted into a driving force for promoting the development of the people's cause!

We hope that the Chinese Communist Party and its advisers will consider our proposal to eliminate that loophole in the draft constitution receptive.

9574

CSO: 4005/919

ARTICLE COMPARES REVISED, PAST CONSTITUTIONS

Hong Kong CH'I-SHIH NIEN-TAI [THE SEVENTIES] in Chinese No 6, 1982 pp 58-61

[Article by P'an Chia-hua [3382 1367 5478]: "Which Is Supreme, the State or the Party?"]

[Text] On 27 April, the CCP published the "Draft Revision of the Constitution," and Peng Zhen [1756 4176] and Hu Sheng [5170 4939] each gave a speech to explain the draft. Hong Kong's press all pointed out that the value of the constitution entirely rests in its implementation.

After earnestly creating the first constitution in 1954, the CCP immediately followed it with the campaign against Hu Feng [5170 7364] in 1955, a serious case of civil rights violation, and a large-scale suppression of the freedom of speech and the anti-rightist struggle in 1957. The 1958 great leap forward and the people's commune were also in total violation of the constitutional provisions on the economic system. By the time of the lawless 10-year Cultural Revolution, the constitution, a mere scrap of paper, was shredded almost completely. Therefore, people's attitude of doubting, or even negating, the value of the constitution in China is not completely groundless.

Nevertheless, the development of history cannot, after all, be manipulated by any one personage or political party. Before we forecast the future of China's democratization, it is necessary for us to study the revised constitution, though in this country which has no democratic tradition, there are even now many things which are inexplicable.

The Absurd 1970 Constitution

In his report on the revision of the constitution, Peng Zhen said that China had formulated three constitutions in the past, viz., the constitutions of 1954, 1975 and 1978. However, there was also the aborted 1970 constitution.

The Second Plenary Session of the Ninth Party Central Committee "basically passed" in September 1970 a draft revision of the constitution and immediately distributed it, in form of "No 56 Central Issue (1970), CCP Central Committee Documents" to all basic units throughout the country for nationwide discussion. It was not passed by the National People's Congress because, after the Lushan Meeting, a violent quarrel broke out between Mao and Lin and the proposed Fourth National People's Congress could not be convened. A year later, Lin Biao died while fleeing the country, and the Party Central Committee ordered the recall of the "Draft Revision of the Constitution" and the "documents of the Ninth Party Congress." The 1970 constitution was one of the focal points of the struggle between Mao and Lin. Mao wanted to abolish the "state chairman" in the revised constitution, but Lin opposed him, declaring: "If Liu Shaoqi could be chairman, why can't I?" Subsequently, in the campaign against Lin, "establishing a state chairman" became Lin Biao's "anti-party program of usurpation and power seizure." Therefore, whether to establish a state chairman became a major issue of principle in the internal strife of the CCP for many years, and there was no breakthrough from the deadlock in the constitutions of 1975 and 1978. In the report on the 1975 constitutional revision, Zhang Chunqiao [1728 2504 2890] gave the reason for not establishing a state chairman as "an advantage to the party's centralized leadership of the state structure." The inference was Mao Zedong's absolute leadership.

Among the successive constitutions of the CCP, the 1970 constitution was the most absurd. Without the definition and completeness required of a legal document, it was filled with a propaganda and agitative vocabulary, vague and coarse, directly and extensively citing Mao Zedong's quotations and piecing together almost all the then prevailing political slogans. The content was a total reflection of the incredible yet fanatic period. Basically not a constitution protecting the interest of the state and the people, it was a monarchical law serving the ultra-leftwing group. In just the "Preamble" alone, Mao Zedong was mentioned eight times. Article 2 of the "General Program" particularly stressed: "Chairman Mao is the head of China's proletarian dictatorship and the supreme commander of the entire army throughout the nation. Vice Chairman Lin is Chairman Mao's close comrade-in-arms and successor and the assistant commander of the entire army throughout the nation." Article 26, which dealt with the rights and duties of citizens, demanded "support of Chairman Mao and his close comrade-in-arms Vice Chairman Lin."

This constitution was the greatest mockery of the people's democracy and socialism. No constitution in the modern histories of China and foreign countries manifested such an undisguised "private law" quality. It was basically not an issue of "incompleteness."

The 1975 constitution deleted the absolutely preposterous words and phrases discussed above, and only mentioned Mao Zedong Thought twice while avoiding any reference to Mao himself. Nevertheless, it was still a sample left by the ultra-leftwing policy, in the same vein as the 1970 constitution, leaving the structure, substance and most of the provisions

unchanged, marked with an obvious imprint of the Cultural Revolution and manifesting a touch of a perfunctory routine official document. It was in keeping with the hollow and depressed atmosphere of the political life throughout the country in 1975.

The environment of the 1978 constitutional revision was completely different. The founding members of the Mao and Zhou generation had passed on, the "gang of four" had been ousted, and the people entertained great hopes of the new regime. Nevertheless, Hua Guofeng, the successor hand-picked by Mao Zedong, had no political vision and vigorously promoted the "two whatevers" and "grasping the key link to rule the country." Thus, though some political slogans were deleted and some formulations revised, the 1978 constitution still contained marked ultra-leftwing ingredients, such as "raising high Chairman Mao's great banner," stressing the class struggle and affirming "the victory of the Cultural Revolution." In principle and substance, it was still following the same vein as the 1975 constitution. In the Preamble, it mentioned the greatness of Mao six times, elevating him above the party and the state.

From the three constitutions of the seventies, we can see that the CCP's drafting and revision of the constitutions conformed to the Marxist definition, i.e., the constitution "is the expression of the will of the ruling class and an important tool to achieve class dictatorship" and "reflects the balance of class strengths." However, we must add that the "ruling class" mentioned here was not the worker class or the laboring people and dictatorship was not the "proletarian dictatorship" stressed in all three constitutions, while the balance of strengths was the balance of factional strengths within the CCP. It was precisely the fierce and repetitious struggles among them which determined the nature of each constitutional revision, and the completed document always represented and upheld the concepts and interests of the dominating faction.

The Exemplary 1954 Constitution

Though the 1954 constitution still retained the limitations of the early days after the founding of the nation and could only be considered, in Peng Zhen's words, "relatively perfect," its merits are still of substantial value today. First, it was drafted with an earnestness appropriate for the occasion. Let us leave aside the enthusiasm of those inside and outside the party for the founding constitution at that time, but just in form, it was untainted by ultra-leftwing dogmatism, and its provisions possessed the requisite definition and relative permanence of a written constitution. Next, it possessed the objectivity of a state constitution, taking the state and the people as the bases, imparting a feeling of impartiality, and free of suspicion of factional interest. Referring to neither "Chairman Mao Zedong," nor "Mao Zedong Thought," and not even the leadership of the CCP, it only mentioned the "leadership of the worker class. This objectivity was fully embodied in Article 4:

"The People's Republic of China, relying on the structure of the state and the strengths of society and by means of socialist industrialization and socialist reform, pledges the gradual elimination of the exploiting system and the creation of a socialist society."

In addition, it stipulated that "the armed forces belong to the people" and were commanded by the chairman of the state, not such things as "the party commanding the gun."

Thirdly, in stipulating the rights and duties of citizens, the 1954 constitution showed a sincere concern and respect for the people's rights and welfare in much of its writing.

Therefore, the 1954 constitution was relatively compatible with the pursuit of a lasting peace and enduring stability. Today, the CCP claims that the 1982 constitution is a development of the 1954 constitution. It is the good fortune of the state and the nation.

The present published draft constitution indeed has some improvements and greater details. This writer's general impression is that, compared with the 1954 constitution, there are some relaxations and developments in the economy and the system. Mainly they consist of permitting legitimate foreign investments in China and Chinese-foreign economic cooperation and affirming the individual economy as a supplement to the socialist economy, and, in addition, giving greater protection to the legitimate rights of returned and families of overseas Chinese. In system reorganization, the main items consist of abolishing the life tenure of the leading cadres, limiting the chairman, premier, etc. to two consecutive terms, enlarging the power of the standing committee of the National People's Congress and creating an auditing organ to supervise fiscal receipts and expenditures. The rest basically follows the form of the 1954 constitution.

In terms of politics and civil rights, the draft constitution is not satisfactory. Though it has added such provisions as affirming the 1911 Revolution and the position of the CPPCC and exempting the delegates to the National People's Congress from legal investigation for their statements and made its provisions on civil rights more thorough, compared with the 1954 constitution, it has injected a stronger and greater party political consciousness, colored with a "transitional quality" of serving the policies of the CCP. (It was a major lesson of the constitutional revisions of the seventies which should have been avoided, yet JENMIN RIBAO extolled it as "a strong epochal spirit"). Meanwhile, in terms of civil rights, it indicates a tendency to tighten control, with limited enlargement of democracy and excessive stress on centralism.

The Superfluous "Four Upholds"

After the lessons of nearly 3 decades, people abroad had hoped that, in the constitutional revision this time, the CCP would take a more enlightened political attitude. That its politics prior to 1956 won approval

at home and abroad cannot be said to be unrelated to the 1954 constitution. The 1954 constitution praised the merits of the CCP, resolved to "build a socialist society along a peaceful path" and affirmed China as a state of "the people's democratic dictatorship." It was undoubtedly logical for these provisions to be welcomed. In the new constitution, since "a socialist state of the people's democratic dictatorship" is affirmed, why must the "four upholds" ["four basic principles"] be stressed? The "four upholds," directed at "liberalism," were principles of a policy nature limited in time and space proposed by the CCP in 1980. How can they be included in the basic law of the land? Furthermore, changing the "proletarian dictatorship" which has always been upheld to "the people's democratic dictatorship" is not a trivial matter. Peng Zhen's explanation is that "it reflects precisely our national condition and class situation, and will also forestall any distortion and abuse of the proletarian dictatorship." Since "the people's democratic dictatorship is the proletarian dictatorship and a concrete form of the proletarian dictatorship," and since the dictatorship must be exercised through the leadership of the worker class, where is the distortion and abuse? Peng Zhen declares that the national condition is "the 800 million peasants," as if the peasants had no share in the "proletarian dictatorship," or could even be subjected to dictatorship. One should like to ask, in regard to the abuses in the past, who were the abusers and who the abused? Therefore, this revision is confusing in logic, and also indicates that the word "uphold" may be revised or changed to the negative.

The phrase "under the guidance of Mao Zedong Thought" actually appears twice in the Preamble, which this writer feels is quite unnecessary. If the "socialist victory" of the past 3 decades is indeed true, then it is precisely the outcome of the struggle of the CCP and the people against Mao Zedong's mistakes. To include in the constitution the name of the individual who should be responsible for the catastrophes to the state is an injury to the people's feelings. The 1954 constitution did not extol the merits and praise the virtues of Mao, nor contain the "four upholds," yet there was great order in the nation. Subsequently, the revised constitutions lauded Mao to the skies, and there was great chaos in the country. Playing the same old trick today is a disrespect to history. Furthermore, including the name of an individual in the constitution is basically an irregular practice which should have been discarded long ago.

Listing "Chairman Mao Zedong's" merits in founding the nation also seems incompatible with the subsequent passage stating that "the People's Republic of China was jointly created by all nationalities in the nation;" it should be omitted.

It should be pointed out that this writer's focus of consideration is the earnestness appropriate for China's constitution, not the right or wrong of the CCP's politics. Another reason for this writer's objection to the word "uphold" is because, in China, there is no political party which poses a threat to the dictatorial leadership power of the CCP. As proved

by history, regardless of whether the leadership is good or bad, the CCP will "hold up." So, what is the necessity of creating in the constitution the illusion that the CCP is under threat?

The Illogical "Class Struggle"

A special passage in the "Preamble" to the new constitution is devoted to the class struggle. It admits the "extinction" of "the exploiting class as a class," yet declares that "the class struggle will remain within a certain sphere for a long time to come" and that "a struggle must be waged" against hostile elements at home and abroad.

As early as 1956, in Liu Shaoqi's political report which was passed unanimously by the Eighth Congress of the CCP, it was unequivocally pointed out that China's exploiting class had become extinct. Nevertheless, in violation of the party resolution, Mao Zedong emphasized in 1957 the struggle to "foster the proletarian and eliminate the bourgeois." In 1962, he went further by making the class struggle the party's basic line and artificially created a series of massive "class struggles," causing tremendous losses to the party and the state. Now the CCP formally censures Mao for "magnifying and absolutizing the class struggle."

The 1954 constitution made no mention of the class struggle at all. While not infallible, it was correct. Contradictions obviously exist in the draft constitution. Class struggle refers to the contention between hostile classes. Since the exploiting class is extinct, then, who is struggling against whom in the class struggle which will remain for a long time to come? Enemy agents, spies, and the reactionary and undesirable elements are the objectives in the crackdown of crimes. How can they constitute a class? When such clear issues are made complicated, one can only come to the following conclusion: The CCP leadership has not learned the lessons in the tragic history and still wishes to use such theoretically incorrect and practically detrimental class struggle concept to build its own "revolutionary" image. Wasn't the 1954 constitution very good? After carrying on for almost 30 years and paying such a high price, can turning around to stress the class struggle be considered to be in line with the requirements of shifting the emphasis to the modernization construction? We have no right to comment on the intra-party strifes of the CCP, but to impose the views of one party on the whole country is something to which we have to express our objections if we want to forestall future troubles. Any Chinese with conscience will not wish to see his elders and brethren living under the red flag subjected again to life-and-death struggles for the sake of one phrase.

The Nominal "State Chairman"

The restoration of the state chairmanship in the new constitution, "compatible with the custom and desire of the Chinese people," is well received. We only hope that it is the symbol of the end of "I am the

state," the Mao Zedong-type dictatorship. We only hope that, from now on, the separation of the party and the government will be truly realized, but as for the supremacy of the state over the party, this writer still cannot feel optimistic. Today, we can tell that it cannot be accomplished even in concept, let alone reality. Whenever it came to the relations between the party and the state, Peng Zhen and Hu Sheng, in their speeches, both declared that the party must lead the state. At best, Hu Sheng only said that "the activities of any political party must not overstep the principles of the constitution." They did not dare say that "the interest of the state takes precedence over the party," or even mention the "identity of interest of the party and the state." What is interesting is that Peng Zhen explained that, "though the party made major and minor mistakes," the reason that "the party's leadership must still be upheld" is that "every time there was a mistake, the party itself rectified it." Naturally the enemy will only oppose the party, not correcting its mistakes for it. The people? The led have no qualification and capacity to correct the party's mistakes. Who would have the nerve to help Chairman Mao correct his mistakes? Was the Tiananmen incident a help? Was there any result? Naturally, only the Third Plenary Session, the Sixth Plenary Session, could correct the party's mistakes.

In terms of the power of the state chairman, the draft revision indicates the CCP's reservations on the supremacy of the state over the party. The provision of the 1954 constitution that the state chairman commanded all the armed forces was logical. Yet the draft constitution, while restoring the state chairmanship, creates a "Central Military Commission" "to command the armed forces of the whole country." Taking the command away from the chairman of the Party Central Committee is indeed a big improvement, but what deserves attention is that Peng Zhen and Hu Sheng, in their authoritative speeches, failed to explain why the state chairman cannot command the armed forces. One can only assume that the CCP feels uneasy for the state chairman to control the military power. Coming from a political party which pays an extremely serious attention to military force, such uneasiness is not at all surprising, but it is rather superfluous. If the state chairman is one of the party leaders, the party will be able to control him. As for abusing the military power, will it not apply just the same to the Military Commission chairman? Hu Sheng said that the Military Commission of the Party Central Committee may be abolished in the future. It comes to one's mind that very possibly the Military Commission of the Party Central Committee will be transferred to the state, except changing its name to the "Central Military Commission" of the state. It will still be "the party commanding the gun." Thus, the importance of the state chairman is greatly diminished.

Another point is the abolition of the Supreme State Conference convened by the chairman. According to Hu Sheng, experience has proved that it "does not have any necessity." It is a rather rash conclusion. The reason that no conference had any necessity when the ultra-leftwing was in power is known to all, but it does not mean that the State Conference has

no significance. It is an effective form of democratic politics, and many countries have similar organizations. Currently, China's State Council also has the councilor system. In short, restricting the power of the state chairman, this writer feels, is incompatible with the principles of the legal system. If the post is established, the substance must correspond to the name, not just a mere figure head. The state chairman endowed with the appropriate powers is a symbol of the supremacy of the state, and a sound legal system will not lead to personal dictatorship.

The Restricted "Civil Rights"

In terms of the basic rights and duties of citizens, all the provisions of the 1954 constitution are more or less restored, and the additional concrete provision on the freedom of person attracts one's attention. However, there is still a number of obvious flaws. One should rather say that the rights are predicated on an excessive number of restrictions.

1. Speech, publication, assembly, association, marching and demonstration, the six freedoms in "Article 34," have all appeared in the successive constitutions. Compared with the 1954 constitution, the deletion of the clause that "the state will provide the necessary material facilities to ensure the citizens' enjoyment of these freedoms" makes this extremely crucial provision more vague, imparting the feeling that there is no intention to honor it.

2. The "indivisibility of rights and duties" is not found in previous constitutions. It is a totally superfluous formulation of an educational nature, and its implication and logic are both very vague, obscuring the legal distinction between rights and duties. The three things have no direct link in behavior. The revision reserves a ground for civil rights violators. Similar problems are found in "Article 48."

3. The necessity of "communication censorship" should not have been included in the constitution. It is a "legitimate" infringement of the freedom of communication under special circumstances, which are not limited to just communication alone. One should like to ask, is there any "necessity" to restrict the freedoms of speech, publication and association? Actually they can be more serious, but why are not similar provisions found in "Article 3?" The constitution is the basic law which determines the fundamental principles; it is a quality of the constitution which should be respected. Meanwhile, we are unwilling to see the reactivation of the once extremely serious "mail censorship" in China under a legitimate excuse behind the shield of the new constitution.

4. "Article 40" stipulates the right of citizens to criticize and accuse the cadres of the state, but it is qualified with the clause that "no one may fabricate or distort the facts and deliberately make false accusations and fraudulent charges." This qualification is not found in any of the previous constitutions. Since "Article 37" prohibits "insult and slander"

and since the right of freedom from false accusations and fraudulent charges should apply to both the bureaucrats and the common people, this qualifying clause, objectively at least, serves to safeguard the interest of the privileged class from infringement. If there is a determination to eradicate the abuse of special privileges, this qualifying clause must be deleted.

5. The provision on the right to work and to rest does not indicate the right to organize labor unions and, meanwhile, "Article 34" abolishes the right to strike. It is an issue which should not be ignored in a modern society and worker state. To be sure, striking may not be the best way to solve conflicts and disputes, and anyone may object to strikes. Nevertheless, striking is after all an effective way used for several hundred years for the worker class to defend its own interest. Under the socialist conditions, the worker class should be trusted for its awareness and intelligence and, when no other way proves effective, have the right to strike to deal with the bureaucrats. How can it be categorically asserted that "achieving the goal by methods other than strikes is entirely feasible?" (Hu Sheng's words). However, this writer actually believes that, in regard to certain bureaucrats, strikes will indeed produce no effect on them. China's invisible "strikes" have long been public knowledge, possibly causing inestimable "losses." Rather than overtly observing but covertly opposing, it is better to recognize the practice. The open and aboveboard solution of the problems will only prove more beneficial.

6. This point concerns the issue of religion. Since there is a series of provisions banning the use of religion "to carry out counterrevolution" and sabotage, then, the provision prohibiting "foreign control of religion" is inappropriate. Religion is an international phenomenon. Like science, culture and many other activities, it has an extensive international link. Within the sphere of the church, the relation of superior and subordinate and other relations are matters of the freedom of belief, just like the fact that a country which joins a certain international organization must observe its constitution. The state should not interfere in such religious activities which are not detrimental to its interest.

Words and Deeds

The foregoing can perhaps be considered the views of a Chinese taking part in the discussion of the constitutional revisions. Even though this writer feels that there are still many improprieties in the draft constitution, it can yet be regarded as an achievement made on the path of China's democratization and an embodiment of the determination of China's leaders of the new generation to end the "lawless" situation and build a society ruled by law. However, the national calamities of 3 decades (including the losses suffered by the CCP) are too bitter. Not that the authorities represented by Mao Zedong did not utter fine words or formulate laws, nor that the personages of integrity inside and outside the party did not discharge their duty to speak out, but mistakes and evils,

instead of being checked, were aggravated. "Constitutions and plans do not equal the words of the leader." Thus, in face of China's autocracy and dictatorship of several thousand years, several decades, many people do not dare to entertain excessive hopes in the establishment of the legal system. In terms of the present draft constitution, no matter how we assess it, nor how it finally turns out after the revisions, the important thing is still whether it can be implemented; otherwise, regardless of how perfect, it will only be a fraudulent piece of scrap paper.

6080

CSO: 4005/1152

RIGHT TO STRIKE OMITTED IN NEW CONSTITUTION

Hong Kong CH'I-SHIH NIEN-TAI [THE SEVENTIES] in Chinese No 6, 1982 p 62

[Article by I Ting [0001 0002]: "Commenting on One Point Only, Not the Rest"]

[Text] The draft revision of the fourth constitution has been published, reportedly for discussion by the people. I now wish to "comment on one point only, not the rest."

The constitution opens with these words: "The People's Republic of China is a socialist state under the people's democratic dictatorship led by the worker class and founded on the worker-peasant alliance."

In terms of the rights of citizens, Article 34 stipulates: "Citizens of the People's Republic of China have the freedoms of speech, publication, assembly, association, marching and demonstration."

No need to repeat, but from 1949 to date, have the Chinese people actually had the right to enjoy the freedoms? Among the provisions, the right of workers to strike, which was found in the 1975 constitution in the "gang of four" era, has been conspicuously omitted.

Though nominally they have long become the "dictatorship" class, China's workers (the proletariat) have never exercised the right to strike. In 1956, Mao Zedong, in "On the Correct Handling of the Contradictions among the People," declared: "In individual areas, incidents of striking by small numbers of workers and students occurred." As for the actual conditions, we have not been able to ascertain even now. Mao Zedong considered the strikes as "small numbers of people making trouble." Making trouble was a violation of the public security law, and was handled by arrests and labor reform. Though such trouble making aroused Mao Zedong's grave concern, the workers' right to strike was not deleted from the constitution.

The constitution is an accurate reflection of the political outlook of those in power. There was the 1978 constitution which reflected Hua Guofeng's political outlook after the downfall of the "gang of four," and the present constitution fully expresses Deng Xiaoping's political outlook. After suppressing the democracy movement, only the right to "strike" is deleted among the democratic rights. It is the outcome after the failure of the Solidarity movement in Poland, and China's bureaucratic rulers are sealing off the workers' political struggles in advance.

In all socialist countries, workers are finding bureaucratic control ever more intolerable. The struggle of the Polish workers by striking has a long history, and the endeavor of Solidarity has evolved from an economic to a political struggle and, under military control, has not failed completely. Solidarity is an independent organization of workers, completely different government organized labor unions. (China's labor unions are also governmental, and cannot represent the workers). Striking is Solidarity's means of struggle and the most crucial weapon of workers. It has set an example for the workers of all socialist countries, creating an extremely far-reaching influence. The CCP outwardly sympathizes with Solidarity because of its anti-Soviet sentiments, but actually, it deeply fears the exemplary effect on China's workers, because the "foreign leap forward" several years ago was identical with (Gailaike's) import of foreign capital 10 years ago in Poland. Now, taking Poland as an object lesson, China must, in the economic aspect, hurriedly discontinue what should be discontinued, retrench what should be retrenched and make prompt remedies. Nevertheless, whether the mollification of workers (bonuses, wage readjustments) will prove effective is still unknown.

The meaningless provisions on democratic rights can be manipulated by either soft or hard tactics. But when the workers exercise in earnest the right to strike, it will indicate the near eruption point of the social contradictions.

After the failure of China's revolution in 1927, the CCP acquired the conditions for its regeneration in the rural areas. In the several decades hence, China's proletariat has never rallied its ranks and pursued independent political activities. In 1949, the CCP led the peasant army into the cities, and the proletariat became the liberated. Politically it had no freedom of speech, only assuming the nominal throne of the "proletarian dictatorship" and serving as the cloak of the one-party dictatorship of the CCP. Today the proletariat has merged into the "people's democratic dictatorship," viz., the "popular political power" of Stalin's 1936 constitution. Stalin indicated at that time that, "since there are no capitalists, there is no proletariat, and the state has changed from a proletarian state to that of all the people." Today, the "Preamble" to the constitution also declares: "The exploiting class as a class has vanished." Then, isn't "striking" by workers under the "people's democratic dictatorship" "hostile to and disruptive of" the socialist system and counter to the people's interest? Might as well delete the right to

strike from the constitution. By so doing, striking becomes a "counter-revolutionary" behavior and must be suppressed by means of "dictatorship." Such is indeed the reality of today's China, stamped with Deng Xiaoping's political outlook!

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CSO: 4005/1150

REVISED CONSTITUTION STUDIED

Hong Kong CH'I-SHIH NIEN-TAI [THE SEVENTIES] in Chinese No 6, 1982 p 63

[Article by Shih Pu-k'o [1102 0008 0668]: "The Creation of the Central Military Commission Is Puzzling"]

[Text] After I read the full text of the draft revision of the constitution and Peng Zhen's [1756 4176] and Hu Sheng's [5170 4939] speeches in the North America airmail edition of TA-KUNG PAO, my general impression is the CCP's desire to be realistic.--At least, it is willing to make the constitution feasible, unlike the two previous constitution (1975 and 1978) which were mere scraps of paper, because, in form, they were impracticable.

The abolition of the right to strike is a marked manifestation of the CCP's realistic approach. The 1954 constitution did not permit strikes. The 1975 constitution should have been passed around 1970. There was a draft of it. At that time, a "supreme directive" suddenly came down, and the gist of it was that, since the constitutions of all nations in the world had a provision on strikes, we must also do the same, but that, as the Chinese people had a high awareness, they would not strike. The "supreme directive" vividly expressed Mao Zedong's attitude on the constitution--a signboard for propaganda to the external world. Since the CCP has now canceled this promise which is impossible to fulfill in reality, it should treat the other freedoms with the same attitude, especially the freedoms of speech, publication and association. If they cannot be honored at the present stage, they should not be included in the constitution; if included, they must be honored. One can see from the Preamble to the constitution that this constitution will be revised from time to time alongside the changes in the situation.

Article 1 of the General Program of the draft states explicitly that the state system of the People's Republic of China is a socialist state under the people's democratic dictatorship. This writer feels that, aside from divergence in ideology, the word socialism is ambiguous and vague. Socialism in the world today is multifarious. The Soviet Union and East

Europe all follow socialism. Therefore, the constitution should give a clear definition of socialism, for otherwise the last sentence of Article 1, viz., "undermining the socialist system by anyone in any form is prohibited," will have no meaning. Is importing foreign capital, for instance, undermining the socialist system? Is the proposal to exercise joint leadership with Guomindang undermining the socialist system?

The provision of Article 30 that "the system followed in special administrative areas will, according to concrete conditions, be stipulated by law" conflicts with Article 1. If the special administrative areas (currently Shenzhen, possibly including Hong Kong, Macao and even Taiwan in the future) do not follow the socialist system, doubtlessly it will be one form of undermining the socialist system and the "four basic principles."

The provision that "undermining the socialist system by anyone in any form is prohibited," in its literal sense, appears to restrict the freedom of speech. In other words, the freedom of speech does not include resisting socialism. Nevertheless, as the word socialism has no definition, the article in RENMIN RIBAO on whether fish farmers may hire one or two helpers may be accused of undermining socialism in the form of commenting. It obviously is detrimental to economic reform and economic exploration.

The most puzzling thing in the constitution is the simultaneous establishment of the chairman of the state and that of the Central Military Commission. As there is no stipulation that the state chairman will also serve as the Military Commission chairman, theoretically, there may be two chairmen. Then, in case of war, the chief of state will not be able to direct the troops, and the responsibility rests with the Military Commission chairman who has no other administrative power. Should the two chairmen disagree, the state will become helpless. Such a provision is perhaps unprecedented in history.

Not only making it impossible to conduct a foreign war, but the provision plants two potential dangers in internal affairs. The first is that the Military Commission chairman will be able to rely on his military power to make himself important and turn the state chairmanship into a nominal post. According to Mao Zedong, the army is the pillar of the dictatorship, and it is impossible for it to be restricted simply to military tasks without getting involved in politics. The second danger is that it is equivalent to abolishing the system of the chairman's tenure. A dictator will be able to serve two consecutive terms as the state chairman and shift over to the chairmanship of the Military Commission while proping up a nominal state chairman for two terms and replacing him later. Such repetitions will give him life tenure, because the constitution only limits consecutive terms, not nonconsecutive terms.

This writer's conjecture is that the chairmanship of the Central Military Commission is created to accommodate someone. That is to say, it is

created for Deng Xiaoping. At the present stage, if it is stipulated that the state chairman serves as the commander-in-chief of all armed forces in the nation, and Deng will not accept the post, then there is no way to engender a state chairman; on the other hand, if the Central Military Commission [party] chairman remains in command of the armed forces, then, the fact that there will be no distinction between the party and the government and that the position of the armed forces in the state structure will become ambiguous (Hu Sheng's words) are secondary, but the fact that it will be impossible to achieve the economic reforms and that the laymen will continue to lead the experts are major. With the creation of the post as a compromise and with Deng Xiaoping setting a precedent, China will become virtually a country ruled by the Military Commission. Once Deng passes on, there will be no peace in the nation. This writer feels that such expediency is most undesirable.

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CSO: 4005/1151

PEOPLE'S RIGHTS LIMITED IN REVISED CONSTITUTION

Hong Kong CH'I-SHIH NIEN-TAI [THE SEVENTIES] in Chinese No 7, 1982 pp 17-18

[Article by P'eng Wen-i [1756 2429 6654]: "On the Revised Constitution"]

[Text] Finding nothing very unexpected in the "Draft Revision of the Constitution," I am extremely disappointed. It turns out that Deng Xiaoping and Peng Zhen who suffered injuries in the Cultural Revolution have no intention to basically change China's system.

As China's system is not based on the constitution, its revision is not necessarily the starting point of changing the system. Nevertheless, if the CCP has any sincerity in changing the system, it is bound to be reflected in the constitution. Therefore, my disappointment in the "Draft" is not any naive trust in the magic power of the 139 articles of provisions. I wish to make this point clear before proceeding with the discussion.

From the draft revision one can see that the motive force of the revision comes from two practical needs: forestalling the emergence of another Mao Zedong; developing the economy. For the first need, the "Draft" stipulates the tenure system, increases the deck of cards under the principle of prohibiting others from taking turns as bankers, adds the chairman of the state and the chairman of the Central Military Commission to the power center and enlarges the authority of the chairman of the standing committee of the National People's Congress. For the second need, the "Draft" permits foreign enterprises to invest in China and affirms the cooperative form of economic organization and the individual economy. These changes cannot be said to be without a practical significance, but they also clearly indicate that the pragmatists only consider the present and are not ready to conscientiously discuss the long-range plans of China's political system.

Then, how should China's constitution be revised before it can be considered a revision of long-range importance? Furthermore, what are the criteria for us to make such a judgment?

Since what we are discussing is the constitution, I feel that we should at least respect the basic spirit of constitutional revision! Ever since the French Revolution and America's War of Independence, besides the countries enveloped under the Soviet system, the overwhelming majority of the constitutional countries recognize in principle that the *raison d'être* of the constitution is to restrict the power of the government and safeguard the rights of each and every citizen. Precisely for the purpose of safeguarding the rights of the citizens that the constitution must explicitly stipulate the systems restricting the powers of the government and balancing the relations among the various departments of the state, such as the general election system, the representation system, the division of the three powers and the division of power between the central and local governments. The Ninth Amendment of the U.S. Constitution stipulates:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

The 10th Amendment stipulates:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In other words, all powers not granted by the Constitution to the government belong to the people.

If one only looks at the provision in Article 2 of the General Program of the "Draft Revision," namely, "all powers of the People's Republic of China belong to the people," one may think that China's constitution also conforms to the basic spirit. The facts are naturally otherwise. The General Program, from Articles 5 to 19, all deals with the practical powers and assets belonging to the state. To put it more concretely, the concept that the people should retain the powers not specified in the constitution has never occurred to those drafting the constitution. The present draft does not mention the right to strike, and the consensus at home and abroad is that the PRC has abolished the right of workers to strike. In regard to the deletion of the "four great democracies" in the "Draft," the people, under the leadership of the foresighted Party Central Committee, have long stopped publishing large-letter posters; as the constitution does not mention the freedom of choosing and changing dwellings, the people are not permitted to look for dwellings themselves or change them. In short, aside from the limited rights granted to the people in Chapter 2 of the "Draft" (naturally, these rights cannot actually count, but it will be discussed later), the people have no other rights. Therefore, in China, the constitution has become the law to restrict the people's rights and safeguard the powers of the government and the leaders, thereby fundamentally distorting the basic spirit of the constitution.

The most fundamental point of the revised constitution which we had hoped to see was to right the things turned upside down and reaffirm the basic spirit of the constitution.

Under this basic spirit, the task of the constitution is to restrict the powers of the state and delineate the powers of the various government organs. Therefore, if the constitution has any practical significance, the organs which should exercise certain powers according to its provisions must be able to exercise them, and those which have not been granted the powers should not exercise them. If any financial group, military group or political party, under the cover of the official organization of the government, gains actual control of the proper administrative, legislative and judicial powers of the government and forms a shadow government beyond the control of the constitution, the balancing relations stipulated in the constitution will become null and void, and the constitution will completely lose its power to protect the rights of citizens.

The supremacy of party power above all else, which is the principle of the CCP in ruling the nation through the years, is the basic reason for the constitution to be merely a formality. The present draft does not unduly stress the leading position of the CCP and only mentions in the Introduction that "the people of China will continue, under the leadership of the CCP...." In addition, it stipulates in Article 5 that "all state organs... all political parties... shall obey the constitution and the laws," thereby recognizing the principle of the supremacy of the constitution over political parties. It can be considered a great improvement. Nevertheless, until the CCP dismantles the large and small party organs attached to the government organs of the various levels, this shadow government will remain the basic obstacle to the introduction of a constitutional government.

One school of American jurists feels that, when interpreting the constitution, we must understand the true intent of the legislators at the time when the provisions are drafted, and that we must not rely only on the literal meaning of the law as the basis of interpretation. The view of this school of thought seems to be most appropriate to China's current "Draft Revision." The CCP holds the power. If it has the sincerity to introduce a constitutional government, then, in spite of the many flaws in the "Draft," the constitution may possibly, after four more revisions, gradually embody the constitutional spirit. But if it only wants to use the constitution as an ornament to start with, then, as far as the people are concerned, whether to revise the constitution or not is entirely of no concern to them.

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CSO: 4005/1148

COMMENTARY ON FEATURES OF 'DRAFT REVISION OF CONSTITUTION'

Hong Kong MING PAO YUEH-K'AN [MING PAO MONTHLY] in Chinese No 6, 1982
pp 25-28

[Article by Liao Kuang-sheng [1675 0342 3932]: "Comment on the 1982 Draft Revision of China's Constitution"]

[Text] After the collapse of the feudal monarchal system, religious superstition and feudal tradition lost their political binding force. The people have become participants in the politics of the state and taken the initiative to pursue the ideal political system. Freedom, democracy and equality have turned into the greatest political impetus of modern human society. Whether in China or abroad, almost all constitutions parade the people's rights and duties, freedom, equality and democracy. On the surface, the communist countries, like the West, also pursue such ideals. Actually, the democracy and freedom, the people's rights and duties advocated by the communist countries are totally different from the Western countries. (See Gu Chunde [6253 2504 1795, "A Brief Discussion of the Theory of Natural Rights," HONGQI, 1 April 1982).

This article is an attempt to present, in terms of constitutional law, the characteristics of the state constitution of China, the features of the "Draft Revision of the Constitution" [hereinafter referred to as "Draft Revision"] and the composition of the state structure, and to discuss, in terms of the reasons for the failure of the "1954 constitution," the feasibility of the "Draft Revision."

I. Characteristics of China's State Constitution

China's state constitution, on the surface, is the same as those of Western countries, but actually it is totally different. The constitution of Western countries is the fundamental law of the land. The people compete openly and freely to organize the government. As categorical open and free competitions in China and other communist countries are bound to lead to a "bourgeois monopoly," it is necessary for the communist party

to enforce "dictatorship" on behalf of the proletariat. The state structure, the army and all other organs serve as the tools of the party's "dictatorship." The Preamble to the "Draft Revision" states explicitly: "The people of China will, under the leadership of the Chinese Communist Party and the guidance of Marxism-Leninism and Mao Zedong Thought, continue to uphold the people's democratic dictatorship and the socialist path and perfect the various socialist systems...." Thus, the state must remain under the leadership of the "party," and the state constitution is formulated under its leadership.

In its broad sense, China's constitution may be divided into three parts. The first part is the "party's" constitution. It has many provisions on the "party's" ideological lines and policies, which constitute the basis of China's constitution. China's political evolution of more than 3 decades has all been determined by the "party." The "party" is the source of power and the defender of "dictatorship." In other words, China's constitution cannot be discussed in terms of its published "state constitution" alone. The "party" and its constitution exert a crucial influence. In terms of the political operation, the "party" constitution is an integral part of the state constitution. The second part is unwritten, viz., the "party's" control over state organs. Ordinarily the "party's leadership" of state organs may be classified into three kinds: ideological, organizational and personnel. Ideological control is the incessant inculcation and propaganda of Marxism-Leninism and Mao Zedong Thought. All "party" members and individuals must study and accept them, and no dissent is permitted. In organizational control, the "party" installs a "party organization" in each and every state organ to watch over and supervise its administration. The "party" also sets up many departments in its secretariat, directing level by level their counterpart state organs and forming a tight-knit organizational control. The third kind is personnel control. The Party Central Committee, for instance, decides on the nomination of the "premier" and the heads of other departments, and it also nominates the heads of administrative organs of the provincial level. Obviously, the leading posts of all state organs are nominated by the party. Though the relations between the "party" and the state are unwritten, the exercise of power and personnel arrangement, and even the exercise of other high-level power, of the state organs are all based on the unwritten practice. The "Draft Revision," for instance, stipulates that the state chairman and the Military Commission chairman are both elected by the National People's Congress, yet there is no provision on who will nominate them; naturally, they are nominated by the "party." Whomever nominated will be elected by the National People's Congress. Though the "Draft Revision" stipulates that the premier of the State Council is nominated by the state chairman, actually the latter must seek instructions from the Party Central Committee. Consequently, the premier is still nominated by the "party." Obviously, the exercise of many powers is not stipulated in the written "state" and "party" constitutions. However, the unwritten "laws" are more important than the written provisions. Therefore, to discuss only the written constitution

while overlooking the crucial unwritten constitution is attending to trifles rather than the essentials and missing the mark.

The third part is what is called the "state constitution." People generally think that China's "state constitution" has a weak restraining power and a low stability. Since 1949, China published three "constitutions." Many people feel that the contents of the "1954 constitution" are relatively concrete and complete. Emerging under special political environments as required by the times, the constitutions of 1975 and 1978 are oversimplified and vague in substance, not comparable to the "1954 constitution." Nevertheless, unable to withstand the onslaught of the anti-rightist movement, the "1954 constitution" lost practically all its prestige. Hence, many people are very doubtful of the "feasibility" of the "Draft Revision."

II. Features of the "Draft Revision"

One paper in Hong Kong listed 18 new features in the "Draft Revision." In terms of its provisions, it is more detailed than the three previous constitutions, particularly when compared with the "1975 constitution" and the "1978 constitution." It is much longer, containing more than twice the provisions in those two previous ones. Summarizing the contents, we find four most crucial features.

The first is stressing the "socialist legal system." Besides the Preamble, Article 5 of the draft stipulates: "The state upholds the unity and dignity of the socialist legal system. All laws, decrees and regulations shall not conflict with the constitution; all state organs and people's armed forces, all political parties and social organizations, and all enterprise and business organizations shall obey the constitution and the laws. No organization or individual may have the prerogative to transcend the constitution and the laws." This provision is obviously directed at the "legal nihilism" and "constitutional formalism" and the "lawless" mentality of many cadres in the past. Actually, after the 1957 anti-rightist movement, the constitution and the laws were replaced by "policies" and orders. The "1954 constitution," for instance, explicitly stipulated the "freedom of religious belief" and the "freedom to choose and change dwellings," but the provision was nullified because it conflicted with policies. Instances of this type are innumerable. Stressing the socialist legal system is affirming the current legal system.

The second feature is recognizing the modernization policy. The Preamble points out: "The basic task hereafter is to concentrate strengths in pursuit of the socialist modernization construction." The previous three constitutions never mentioned economic organizations, enterprises, Chinese-foreign joint ventures, etc. Article 12 of the "Draft Revision" stipulates: "The People's Republic of China permits foreign enterprises and other economic organizations or individuals, in accordance with the provisions of the laws of the People's Republic of China, to make investments in China and to pursue economic cooperation of various forms with

Chinese enterprises or other economic organizations. Foreign enterprises and other economic organizations and Chinese-foreign joint-capital enterprises found within the boundaries of China shall obey the laws of the People's Republic of China. Their legitimate rights and interests shall be protected by the laws of the People's Republic of China." Section 2 of Article 17 stipulates: "No organization or individual may utilize any means to disturb the economic order of society or disrupt the economic plans of the state." Articles 18 and 19 recognize the current self-governing power of state enterprises and collective economic organizations within the range of legal provisions. These provisions embody the introduction of a limited "open-door" policy in answer to the need of the "four modernizations."

The third feature is the trisection of the administrative power. The "Draft Revision" establishes the chairman and vice chairman of the state who will perform some nominal functions, such as representing the state, promulgating laws, appointing the premier and important leaders of the State Council according to the decisions of the National People's Congress, receiving foreign envoys and sending envoys abroad. These functions formerly belonged to the chairman of the National People's Congress under the "1978 constitution." The newly established "state chairman" has no military or important administrative power; therefore, his authority is far below the state chairman under the "1954 constitution."

The "State Council," same as before, is "the executive organ of the power organs of the state and the supreme administrative organ of the state," and its functions are similar to the past. The "Draft Revision" creates a new "Central Military Commission" to command the troops of the nation. It revises the provision of the "1978 constitution" which placed the troops under the command of the "party" chairman. On the surface, it transfers the military power from the "party" chairman to the "Central Military Commission," seemingly implying the transfer of the troops to the state. Actually, the "party" itself also has its "Central Military Commission;" therefore, the creation of a new Central Military Commission has no great significance. (See "Should the Party's Military Commission Remain in Existence?," Hong Kong TA-KUNG PAO, 29 April 1982). Controlling the troops level by level, the party will never loosen its hold. Obviously, under "the people's democratic dictatorship," it is inconceivable to separate the troops from the party.

The establishment of the "state chairman" and "Military Commission" in the "Draft Revision" appears to stress the power of state organs. Actually, the purpose is to divide the administrative power among three organs, so that none can compete with the "party." While restoring the "state chairmanship" of "1954," the "Draft Revision" avoids the situation created by the "1954 constitution" where the excessive power of the "state chairman" made the "party chairman" a mere figurehead. One may well say that it is killing two birds with one stone. Actually, the arrangement undermines the concentration of administrative power and facilitates the "party's" control over state organs.

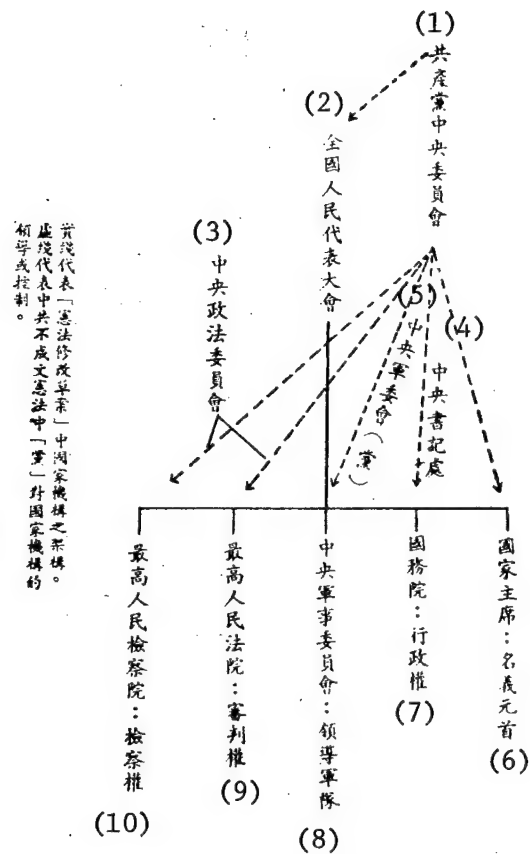
The fourth feature is preventing "life tenure" and introducing the "responsibility system." Article 79 of the "Draft Revision" stipulates: "The terms of office of the chairman and vice chairman of the People's Republic of China shall be 5 years each, and may be renewed upon reelection, but they may not serve more than two consecutive terms." Article 86 stipulates: "The State Council follows the premier responsibility system; the various ministries and commissions follow the minister and minister-in-charge responsibility system." Article 87 stipulates: "The premier, vice premiers and councilors may not serve more than two consecutive terms." There are also provisions limiting the National People's Congress, the chairman and the Central Military Commission to two consecutive terms. Abolishing "life tenure" and introducing the "responsibility system" should prove beneficial to administration. The measures tend to prevent the administrative personnel from acquiring excessive power, forestall dictatorship and enhance the sense of responsibility on the part of the leaders. Nevertheless, as previous "state constitutions" were unable to maintain their own efficacy, the power of state organs was very fragile. Thus, when the Cultural Revolution cropped up, Mao Zedong smashed it with one large-letter poster. The power of state organs is limited to start with, and now, with the restriction to two consecutive terms and the "responsibility system" on top thereof, it becomes even weaker than before. Unless also applicable to important "party" posts, the "two-term system" and "responsibility system" will most likely undermine the state organs, instead of strengthening them.

Besides the four crucial features discussed above, some people find that the "Draft Revision" enlarges the power of the standing committee of the National People's Congress; others feel that the new provisions in the draft on personal protection and freedom possess an important significance. Actually, these were long stipulated in the "1954 constitution." The "1954 constitution" long ago empowered the National People's Congress to exercise many functions. However, excessively hamstrung by the party, the congress has turned into a nominal organ. In spite of the provision on the protection of the person, even the persons of founding cadres can be violated, let alone ordinary people. As such provisions were in existence before but not fully implemented, their significance can only be determined by their implementation in the future.

III. The New Framework of the State Structure and Its Significance

The "Draft Revision" builds a new framework for the state structure (see Diagram 1). It stipulates that the "National People's Congress" is the supreme power organ of the state. The congress elects the chairman of the state and that of the Central Military Commission, decides on the choice of the premier of the State Council, and elects the president of the Supreme People's Court, the chief procurator of the Supreme People's Procuratorate and the leaders of other important posts (see Article 60). Obviously, the National People's Congress is the power center of the state. Whether the "Draft Revision" can be implemented hinges on whether the "National People's Congress" can faithfully perform these crucial functions.

Diagram 1. New Framework of the State Structure



Key :

1. CCP Central Committee
2. National People's Congress
3. Central Political and Judicial Group
4. Central Secretariat
5. Central Military Commission (party)
6. State Chairman--nominal head
7. State Council--administrative power
8. Central Military Commission--command of troops
9. Supreme People's Court--judicial power
10. Supreme People's Procuratorate--procuratorial power

Legend:

1. Solid line indicates new framework of the state structure.
2. Dotted line indicates "party's" leadership or control over state organs in the unwritten constitution of the CCP.

The National People's Congress has only been a nominal organ, its agenda and important issues all determined by the Central Committee of the "party." Like the "1954 constitution," the current "Draft Revision" does not establish a chairman, but only the standing committee. The standing committee "supervises the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate" (see Section 6, Article 65). Like the "1954 constitution," it may organize investigative committees to investigate special issues (Article 70), and its members are not subject to arrest or trial without its permission or the permission of its standing committee (Article 73). These provisions were found in the past to be merely formal. Article 74 of the "Draft Revision" stipulates: "The statements and votes of the delegates to the National People's Congress at the various meetings of the congress are not subject to legal investigation." This provision merely strengthens personal safety. At present, we see no sign that "the National People's Congress will reinforce its power and faithfully perform its functions," because the National People's Congress in the "Draft Revision," same as before, cannot avoid the remote control and manipulation of the "party's" Central Committee.

The newly established state chairman has no real power. He performs some nominal internal and external functions on behalf of the state. Therefore, the establishment of the state chairmanship fails to increase the power of state organs. The State Council is "the supreme administrative organ of the state." It is the actual executive organ and leads the people's governments of the various levels and economic and cultural constructions. Same as before, the "Draft Revision" stipulates that the State Council is responsible to the National People's Congress and its standing committee. Actually, it has, since 1954, always been responsible to the party's Central Secretariat and is subject to its close supervision, while its responsibility and reports to the National People's Congress are mere formalities. The practice has become a part of the unwritten constitution. Unless the "party" itself changes, the personnel and policies of the State Council will remain under its jurisdiction.

Though the Central Military Commission is a new organ, most likely it will only serve as a megaphone of the "party's" Central Military Commission, without any important role. Under the principle of "the people's democratic dictatorship," the Supreme People's Court and the Supreme People's Procuratorate must, same as before, accept the "party's" leadership. Obviously, the "Draft Revision" has not made any tangible effort in the division of labor between the party and the government and in the enhancement of the power of state organs. In short, the "party's" power remains unlimited, and the state organs enjoy their powers by leave of the "party." In view thereof, there is no major breakthrough in the framework of the state structure, nor any major significance.

IV. Feasibility of the "Draft Revision" in Terms of the "1954 Constitution"

We have discussed above the serious doubts in the minds of many people about the feasibility of the "Draft Revision." The issue may be explored in terms of the reasons for the failure of the "1954 constitution."

People in general find the "1954 constitution" relatively perfect. Nevertheless, after promulgation in 1954, it was unable to lead or regulate the major political evolutions. What were its flaws? Exploring the issue will help us understand the feasibility of the "Draft Revision." After studying the politics of the CCP from 1954 to 1976 and the provisions in the "1954 constitution" itself, we can at least list four reasons for its failure:

The first was the unlimited party power. Following the theory of dictatorship, the CCP believes that the "party" must lead the state organs. Therefore, its power may expand without limit, while the state organs have become totally powerless, let alone independent. The state organs are the "party's" tools. By means of ideological, organizational and personnel means, the party already could control the state organs. Utilizing the "party" to launch class struggles and anti-rightist political movements incessantly, Mao Zedong lifted "party power" beyond the boundaries of the "party" constitution and "state constitution." "Party power" expanded without limit, and the state organs had no way to defend themselves.

The second reason was the failure of the leading stratum to pay serious attention to the constitution and the laws. As the leading stratum of the CCP lacked legal training, the majority of the high-level cadres treated the constitution and laws with indifference. After the 1957 anti-rightist movement, many people advocated that "policies are the bases of laws and possess the same effect." They attacked those who advocated that "policies cannot replace laws" as bourgeois rightists. Many figures in the legal field were condemned as major rightists. Thereafter, the constitution and the laws both turned into mere scraps of paper, resulting in the lawless "rule of man."

The third reason was the absence of measures to safeguard the efficacy of the "state constitution." According to the provision in the "1954 constitution," the National People's Congress "supervises the implementation of the constitution." However, due to its large membership and short sessions, plus the "Party" Central Committee's directives to its members and on issues of discussion at meetings, it turned into a nominal organ and had no way to perform its functions faithfully. Its failure to hold elections according schedule or to call meetings after 1959 virtually paralyzed it, let alone supervising the implementation of the constitution.

Finally, the lack of independence of the judiciary was also a crucial reason for the "1954 constitution" to turn into a scrap of paper. Following the "dictatorship" theory, the "party" exercised a firm control over the People's Procuratorate and the People's Court. After 1957, the theory that policies transcended the law was the mentality of those in the legal field in general. The party firmly advocated that "the People's Procuratorate and the People's Court exercise their powers independently under the 'party's' leadership." Thus gradually formed the practice of the party committee rendering judgments on cases. As the People's Procuratorate and the People's Court were under the "party's" leadership, the personal freedom and protection provided in the constitution became subjected to the influence of the political movements and the policies. Many people repeatedly suffered infringements and attacks in the political movements. The People's Procuratorate was abolished and the People's Court basically had no means to protect personal freedom. During the Cultural Revolution, the most glaring instance was Liu Shaoqi's death from illness in jail following his arrest in 1967. The People's Court was well aware of the illegality of the arrest, but could do nothing.

Naturally, there were many other reasons than those discussed above. Generally speaking, the four reasons were the fatal wounds of the "1954 constitution." Now we will explore how the "Draft Revision" handles the four issues. On the "unlimited party power," the "Draft Revision" still stresses the "four basic principles," viz., socialism, "the people's democratic dictatorship," Marxism-Leninism and Mao Zedong Thought, and the leadership of the CCP. Under these principles, "division of labor between the party and the government" is impossible. Unless the party revises its constitution and restricts its own power, a strong party chairman will easily expand party power and relegate the state organs to subservience. The second issue involves the problem of ignoring the constitution and the laws. The provision in Article 5 of the "Draft Revision" that "all state organs and people's armed forces, all political parties and social organizations, and all enterprise and business organizations shall obey the constitution and the laws" apparently reinforces the constitution and the laws. When observed from past experiences, just the provision alone is inadequate, and compulsory measures are required before its implementation can be guaranteed. The third issue is safeguarding the efficacy of the constitution. The "Draft Revision," same as the "1954 constitution," lacks effective measures to defend the constitution. The final issue concerns the independence of the judiciary. The "Draft Revision" copies verbatim the section on the "People's Court" and "People's Procuratorate" from the "1954 constitution." Except for lengthening the terms of office of the president of the Supreme People's Court and the chief procurator of the Supreme People's Procuratorate to 5 years each and limiting the consecutive terms to two, the rest is almost completely identical. Naturally, according to the "dictatorship" principle, the People's Court and the People's Procuratorate in the "Draft Revision" also "exercise their powers independently under the party's leadership." (See "Comrade Peng Zhen's [1756 4176] Important Speech at the Nationwide Procuratorial Work Forum held by the Supreme People's

Procuratorate," XINHUA YUEBAO [NEW CHINA MONTHLY], No 48, 1979). In short, judged from the four issues discussed above, the feasibility of the "Draft Revision" is not greater than the "1954 Constitution."

Conclusion

Some people believe that the current "Draft Revision" represents the effort of the CCP leadership stratum to implement "division of labor between the party and the state" and to build a stable state structure. From the above analysis, we clearly see that it is impossible, under the "dictatorship" principle, to separate the party from the government and the army, and the party will retain many powers to control them. The "Draft Revision" fails to eliminate all factors which undermine the state organs. If another strong leader should emerge again and start another "just rebellion against the reactionaries," the state structure will undoubtedly collapse.

Therefore, to stabilize the state structure, the "party" organization must first be stabilized. Only when the "party's" leadership power is systematized and the unlimited expansion of the party leader's personal power forestalled will the stability of the state structure be ensured. The establishment of the state chairmanship and the Central Military Commission serves no purpose. The suggestion of a "constitutional court" to ensure the implementation of the state constitution made by some CCP jurists a while ago can be regarded as an apt remedy. (See Wu Xieying [0702 2355 5391] and Luo Haucan [5012 6275 2088], "the Constitution and the System of Investigating Unconstitutional Acts," BAIKE ZHISHI [ENCYCLOPEDIA KNOWLEDGE], No 12, 1980). Naturally to be able to ensure the implementation of the "state constitution," the "constitutional court" must play a unique role, free from "party" control, before it can discharge its functions. Therefore, the creation of an independent constitutional court should be the goal of the endeavor of the Constitutional Revision Committee from now on.

In short, the "Draft Revision," in developing a modern society and state, appears to lack foresight and imagination. It should refer more to the knowledge of the constitutional experts who have visited Europe. The "Draft Revision" strongly reflects the inclination to restore the "1954 constitution." As a matter of fact, the "1954 constitution" was only in force for 2 or 3 years. How many storms will the new constitution be able to weather?

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